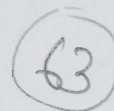
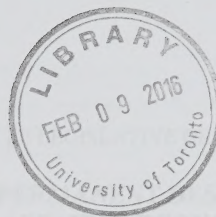


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Mardi 2 février 2016

Standing Committee on Finance and Economic Affairs

Pre-budget consultations

Comité permanent des finances et des affaires économiques

Consultations prébudgétaires

Chair: Soo Wong
Clerk: Katch Koch

Présidente : Soo Wong
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRSCOMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES

Tuesday 2 February 2016

Mardi 2 février 2016

The committee met at 0900 in room 151.

PRE-BUDGET CONSULTATIONS

The Chair (Ms. Soo Wong): Good morning. Welcome to the Standing Committee on Finance and Economic Affairs. We are resuming for the last day of the pre-budget consultations.

TORONTO ATMOSPHERIC FUND

The Chair (Ms. Soo Wong): The first witness before us is the Toronto Atmospheric Fund. Are they here?

Ms. Julia Langer: Yes.

The Chair (Ms. Soo Wong): Good morning. Welcome. Come on down. Please take your seat. I am just going to give you some simple, straightforward instructions. You have 10 minutes for your presentation followed by five minutes of questioning. This round of questioning will be coming from the official opposition party. When you begin, can you please identify yourself for the purposes of Hansard? You may begin any time. Welcome, again.

Ms. Julia Langer: Thank you. Good morning to the Chair and all the members of the Standing Committee on Finance and Economic Affairs. My name is Julia Langer. I'm the CEO of Toronto Atmospheric Fund. Thank you for the opportunity to contribute to your preparations in advance of the Ontario budget.

Late last year, the Premier travelled to Paris to meet with leaders from around the world, and committed to meeting bold global targets to reduce greenhouse gas emissions. We applaud this commitment, which builds on Ontario's climate leadership, especially the elimination of coal-fired energy generation. We strongly support the government's bold direction on addressing climate change going forward, including the recent commitment to a cap-and-trade system.

Toronto Atmospheric Fund has been at the forefront of the fight against climate change for over a quarter-century, before it was headline news. Since its creation in 1991 through an historic \$23-million endowment from the city of Toronto and special-purpose legislation by the Ontario government to create the corporation, Toronto Atmospheric Fund has played a leading role in reducing greenhouse gas emissions and our pollution in our urban environment in Toronto.

Our vision is a future of climate-smart cities that function within their environmental means livable, prosperous cities that embrace the green economy, cities where people spend less time commuting, spend less money on energy costs and breathe cleaner air. We've done this through strategic grant making, impact investing, and technology and program piloting. TAF has been on the ground floor of many of Toronto's green success stories, including deep-lake water cooling, AutoShare and energy retrofits. The emission reductions that Toronto has achieved of 23% are really world-leading accomplishments. Since 1990, our emissions have gone down when many countries are increasing.

But with approximately 60% of Ontario's greenhouse gas emissions originating in cities, much more needs to be done to achieve Ontario's ambitious climate change targets. We believe there is a significant opportunity for Ontario to achieve very-high-impact, low-carbon results in partnership with Toronto Atmospheric Fund by supporting climate solutions for Ontario's cities, our urban areas, with a focus on the greater Toronto and Hamilton area. This partnership that we are proposing will accelerate emission reductions across the GTHA, will be able to share best practices across the province in other urban areas, and leverage Toronto's visionary creation of an urban climate solutions endowment.

In order to make this possible, TAF is seeking a \$25-million legacy investment from the Ontario government. This would be complemented with reforms to the Toronto Atmospheric Fund Act to ensure strong accountability and stewardship of the endowment, much like we have done with the city of Toronto over these 25 years. This proposed investment would effectively match the original endowment provided by the city in 1991, doubling the existing working capital and enabling TAF to expand our successful model into a regional driver for helping Ontario and the GTHA realize the benefits of a low-carbon economy. This will help enshrine the government's commitment to positive action on climate change and help fuel innovation and job creation in the growing low-carbon economy.

Our model is sustainable and high-impact. We invest strategically to reduce sources of greenhouse gas emissions in urban areas, and we use the financial returns to fund our operating costs and our grant-making and innovation work. It's an approach that has earned TAF a reputation as one of Canada's most successful impact investors and incubators.

It's also a record of success that hasn't cost Toronto taxpayers a single cent since Toronto's original endowment 25 years ago. Since then, we have reinvested the original endowment three times over. We've mobilized an additional \$160 million in public and private contributions to projects that we've invested in. We've generated over \$60 million of cost savings for the City of Toronto Corp. alone, through energy conservation, and we've helped achieve Toronto's greenhouse gas emissions by being part of that incubation/innovation cycle.

Actually, our investment strategy is very much aligned with and central to our mandate. We invested in low-carbon opportunities in a very strict governance framework, with investment oversight from investment professionals. We get not only a market rate of return to fund our operations but greenhouse gas emission reduction, and we demonstrate how other investors can get their money profitably into low-carbon investment opportunities.

We're ready to expand our footprint to help make a meaningful impact on reducing greenhouse gas emissions and climate change impacts across urban communities in Ontario. We can evolve our identity. We have proposed The Atmospheric Fund, reflecting a new regional and provincial focus, and we will maintain the distinct integrity of both the original city of Toronto contributions and the proposed Ontario investment, ensuring that the province's endowment is structured with clear regional objectives and a strong framework for governance and accountability.

We look to mobilize, we look to innovate and we look to be, as I say, on the ground floor of many urban solutions that are needed to achieve Ontario's objectives. In particular, we will seek out new job-creating low-carbon investment opportunities, strengthening the GTHA and Ontario as a low-carbon business leader on the global stage.

I'm here today to encourage the Ontario government to entrust the Toronto Atmospheric Fund, and a re-branded The Atmospheric Fund, with this endowment. We are experienced stewards of public funds, with a strong reputation for achieving results. Our record demonstrates that a single targeted investment, responsibly and effectively managed over time, can continue to deliver substantial benefits indefinitely. In this case, we need them soon—medium- and long-term—for the sake of the planet.

Together, we can help bring together innovative solutions and approaches from across the GTHA and bring us closer to low-carbon, environmentally friendly, sustainable communities that we are all committed to achieving for future generations.

Thank you for this opportunity today. I am happy to answer any questions.

The Chair (Ms. Soo Wong): All right; thank you very much. I'm going to turn to Ms. Martow to begin this round of questioning.

Mrs. Gila Martow: Thank you so much, Ms. Langer, for an excellent presentation. Full disclosure: My father was a meteorologist with Environment Canada.

I just want to commend you on the investment. Instead of taking money and just coming back for more money, it sounds to me that the money is being invested in projects that you support. I assume that it's being invested well and that you're getting good returns. I'm wondering if the money that you're asking for from the Ontario government would be invested in the same manner as well.

Ms. Julia Langer: Yes. In fact, the endowment model is meant to be sustainable. We do not receive any operating budget from the city of Toronto. The only operating funds that we have are the returns on our investment.

What we look for in our investing is three returns. One is the market rate of return—that's the only money that we have, so we do not discount our return. We get a risk-adjusted market rate of return.

We need greenhouse gas emission reduction impact. Most foundations often put the money somewhere—whatever—and they take the 5% and do their good work. What we've done with our investment policy is take not only our returns but our asset, and done good work with it.

It's also meant to help other investors see the opportunities for investing, in a profitable way, in low-carbon opportunities. Sometimes people think innovation is gizmos or technology, but often, financial structures or contracts—new contract models—are also innovative and can unlock opportunities.

We've tried to use our entire asset in a way that benefits our mandate.

Mrs. Gila Martow: I'd like to see a lot more of that in government. I assume it works similarly to a high school or a college where they have a scholarship fund—very similar to that.

Ms. Julia Langer: That's right.

Mrs. Gila Martow: I wonder, in the remaining couple of seconds, if you could share some of the projects that you were recommending specifically for Toronto in terms of providing its citizens with cleaner air and cleaner water. I think that's what people want. I think we get off on a tangent, but what people really want is clean air and clean water.

Ms. Julia Langer: Yes. In fact, some of the successes that we've managed to invest in and work on in Toronto, we can leverage to a wider constituency. That includes work on transportation, buildings and waste. That's where emissions come from in cities, so energy efficiency retrofits are not only profitable; they're highly carbon-reducing and can benefit the air quality for the residents who live in those buildings. So it's a nice coming together of multiple solutions, multiple benefits.

0910

Mrs. Gila Martow: Thank you very much.

The Chair (Ms. Soo Wong): Thank you very much, Ms. Langer, for being here and for your written submission as well. Have a good day.

Ms. Julia Langer: Thank you.

CANADIAN BEVERAGE ASSOCIATION

The Chair (Ms. Soo Wong): The next presenter before us is the Canadian Beverage Association. Good morning. Welcome. I believe the Clerk is coming around with your written submission. As you heard earlier, you have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the official third party. You may begin any time. When you begin, can you please identify yourself for the purpose of Hansard?

Mr. Jim Goetz: Great. Thank you. My name is Jim Goetz. I'm president of the Canadian Beverage Association. It's an honour to be here today and have the opportunity to make a presentation on behalf of Ontario's beverage industry. We hope the information we provide will result in a thoughtful discussion and collaboration with this committee and with the Ontario government.

The Canadian Beverage Association represents the majority of manufacturers and distributors of non-alcoholic refreshment beverages consumed in Canada. When I speak of manufacturers, I refer not only to the beverages themselves but the 100% recyclable packaging used our member companies. We are the national voice for more than 60 brands of juice, bottled water, sports drinks, ready-to-serve iced teas and coffees, enhanced beverages, carbonated soft drinks, energy drinks and other non-alcoholic beverages.

The beverage industry directly employs 7,700 Ontarians in more than 60 production facilities, offices and distribution centres across Ontario, many right here in the GTA, but for the members of this committee, also in North Bay, Barrie and, specifically in Toronto, York South-Weston.

The majority of non-alcoholic beverages consumed by Ontarians are manufactured in Ontario locally by our members. Beyond local consumption, Canadian Beverage members also manufacture millions of dollars' worth of product in Ontario destined for export markets both in the United States and the European Union.

The beverage industry's entire value chain is responsible for employing over 25,000 Ontarians, generating \$2.9 billion worth of economic activity and contributing over \$170 million in provincial tax revenue.

Our members are committed to maintaining and growing our contribution to Ontario's economy and practising good corporate citizenship in the communities in which we operate.

As part of our effort in this area, last year, in collaboration with the Conference Board of Canada, we launched Balance Calories, which is our industry's 10-year goal to reduce beverage calorie consumption in the Canadian diet by 20%. At its core, Balance Calories is about providing consumers with a range of beverage options and calorie information to help them make the choices that are right for them and to help consumers balance their calorie intake.

In addition to this, our members have a significant track record of providing substantial investment in

Ontario's economy. A recent KPMG economic impact assessment determined that for every dollar our industry spends on production, 85 cents of that dollar are retained in the Ontario economy. According to KPMG, this is higher than the provincial average.

While the beverage industry in Ontario has had great success in the past in building and expanding our businesses, it is facing mounting economic stressors, such as increased hydro rates and a declining Canadian dollar.

The beverage industry in Ontario is committed to its employment record here and our workers, with salaries that are 29% higher than the average manufacturing wage in the province. I should add that the vast majority of those jobs are unionized, with good benefits and solid pensions.

When combined with our industry's investment in community programs that support public health and education, Canada's beverage manufacturers and distributors are active participants in the health of the Canadian economy but face tough decisions while trying to grow and maintain their businesses.

Ontario's beverage industry appreciates the significant fiscal and economic challenges facing the Ontario government and recognizes that policies set forth will play an important role in shaping the future success of our province. As an active and established industry in Ontario, we want to work with the government to ensure that the business environment remains productive and focused on growth.

To this end, we will continue to work with the Ontario government in 2016 to fortify Ontario's economy and help achieve the Premier's goal to add 120,000 new food and beverage industry jobs by 2020.

In the interest of collaboration, we appreciate this opportunity to present our industry's major legislative and policy priorities for 2016, which include the Waste-Free Ontario Act, Healthy Menu Choices Act regulations, and the Ontario Retirement Pension Plan.

Beyond these specific priorities, our industry would like to advocate for better policy coordination and dialogue between ministries, to ensure that policy proposals are aligned with the government's overall objectives. Our members have increasingly encountered differences in policy priorities between various ministries. This has compounded the regulatory and legislative burden on our members, which, over time, will impact our industry's growth and job creation.

Regarding the Waste-Free Ontario Act, overall, our industry would like to express our support for the thoroughness of the Ministry of the Environment and Climate Change's consultation process. Our members support the government's overall objectives of reducing waste and transitioning Ontario's recycling system to a comprehensive, extended, producer-responsibility model.

As previously communicated to the province, our industry is looking to introduce an innovative \$150-million beverage container recycling program, which will increase recovery rates for our product packaging to 75% or higher, strengthen the province's world-class Blue

Box program, and generate jobs in Ontario's circular economy.

However, to ensure this program is implemented in Ontario, we respectfully request that the Ontario government remain cognizant of the immense costs our industry would incur if our industry is not given the regulatory flexibility under the proposed act to implement our proposed program. As recommended in a recent C.D. Howe Institute report examining Ontario's recycling policy, producers should be unhindered in the design and implementation of recycling programs.

Once the act has received royal assent and the regulation drafting process begins, we ask that the Ontario government ensure producers are given maximum flexibility for both the physical and financial designs of recycling programs. This flexibility will allow our industry to implement a recycling program similar to the Recycle Everywhere program in Manitoba, and invest over \$150 million in five years in Ontario's economy, to increase recycling efforts and generate green jobs.

Now on to the Healthy Menu Choices Act: CBA and our members have appreciated the opportunity to work with the Ministry of Health Promotion on the rollout of this legislation. Our goal is to work collaboratively with the ministry to develop regulations that will both support consumer understanding and allow for a wide variety of food and beverage options, without negatively impacting the food and beverage industry's ability to remain competitive.

When the Ministry of Health Promotion is developing regulations for the calorie labelling of dispensed beverages, our industry asks that the ministry be guided by the philosophies of flexibility and simplicity. This request, along with more detailed feedback, was outlined in our official comments to the Ministry of Health Promotion in October 2015. We strongly encourage the government to consider our feedback during the final drafting of the regulations. It is important for the government to work collaboratively with food and beverage stakeholders to ensure that the regulations achieve a balance between providing consumers with helpful nutritional information and ensuring a healthy and achievable regulatory compliance regime.

Finally, our comments on the Ontario Retirement Pension Plan: As I noted earlier in my remarks, the beverage industry pays its employees 29% higher than the provincial average in the manufacturing sector. We are deeply concerned, however, that at a time of higher material costs, higher utility costs, and a depreciating Canadian dollar, the mandatory Ontario Retirement Pension Plan program will only serve to increase the financial pressures and economic uncertainty being faced by our industry. We call on the government to conduct a comprehensive and publicly available economic analysis of the new pension plan before moving ahead with its implementation, as well as to expand the definition of comparable private sector plans.

Overall, Ontario's beverage industry appreciates the significant financial and economic challenges the Ontario

government is currently faced with, and recognizes that the policy choices set forth will now play an important role in the shaping of the future success of the province. As a significant economic driver in Ontario and in the food and beverage sector, the Canadian Beverage Association and our members welcome all opportunities to work with the government on our industry's legislative priorities for 2016 and to maintain our industry's strong economic footprint here in Ontario.

Thank you again for this appearance, and I look forward to any questions.

0920

The Chair (Ms. Soo Wong): Okay. I'm going to turn to Ms. Fife to begin this round of questioning.

Ms. Catherine Fife: Thanks, Jim, for coming in and sharing some of your thoughts on the budget. On the Healthy Menu Choices Act, you make the point that your association of members would like to be able to ensure healthy and achievable regulatory compliance regime compatibility. Can you give us some specific examples, so that we have a better understanding of that?

Mr. Jim Goetz: Absolutely. It gets very into the weeds as far as how the labelling will happen at each individual restaurant where beverages are served, for example, in a fountain dispenser. The calories vary widely amongst our products, from zero up to full-calorie products. And of course it gets as simple as how much ice you put in the cup compared to how much product you put in the cup. So that varies; people have their personal preferences.

Having to measure calories for every possible option at a fountain dispenser is difficult, so we are simply asking for the flexibility to do what the FDA in the United States is doing, which is allow for a range of calories telling consumers about anywhere between zero and a certain ceiling of calories. But to have to change that every time a product is changed and to figure out some of the variables that occur when people are making their choices is very difficult.

Ms. Catherine Fife: So you want consumers to have a general idea of what the calorie and nutritional issues are.

Mr. Jim Goetz: Correct.

Ms. Catherine Fife: Energy costs: Obviously this has a major impact on your industry, and it's been a consistent theme across the province as we have travelled extensively. Have you been following the government's plan to sell off 60% of Hydro One, and have you done an analysis of the Financial Accountability Officer's report, which says that this is a short-sighted plan that will actually cost Ontarians more down the line?

Mr. Jim Goetz: Our industry is not that heavily involved in the actual policy regarding the sale but I will comment that we are, like all other manufacturing sectors, really reliant on electricity. In particular, our member companies are doing what they can to make their facilities as energy-efficient as possible. We are having a lot of success at that. However, it is something that is a concern of ours.

Some of our member facilities are some of the largest in North America, here in Brampton and Mississauga, for example. They are heavily reliant on hydro and it does have an effect in a consumer package business, which is a pennies business, really, as many food and beverage sectors are. Those pennies count, and it certainly matters on our hydro bills.

Ms. Catherine Fife: And finally, you do raise the ORPP. The Ontario Chamber of Commerce was here yesterday. They shared some concerns about not having enough information around what is a comparable plan, as well, and they asked the government to push the deadline another year.

But I think their primary concern is that their members don't have the information that they need. Do you think that your members have enough information on how the ORPP is going to roll out, what it's going to look like, and what the economic impact is going to be?

Mr. Jim Goetz: Overarchingly, we support the position of the Ontario Chamber of Commerce. In my comments I did state that we would like to see a full financial costing of the program.

Ms. Catherine Fife: Sure. We're supportive of it but we know that businesses need the information in order to adapt.

You haven't weighed in on cap-and-trade at all. Are you maybe going to wait for more information from this government so we'll hear from you next year on cap-and-trade?

Mr. Jim Goetz: Yes, possibly. We are heavily reliant on transportation, though, to get our product to stores and restaurants, like all other food and beverage sectors are—particularly the beverage industry because our products are everywhere, so we look forward to working with the government on it.

Ms. Catherine Fife: Yes, and if the goal is to reduce greenhouse gas emissions, then any funding or financial impact from this plan should go toward helping businesses be more sustainable and efficient, as your members are already trying to be.

Mr. Jim Goetz: Absolutely. Pointing out success stories, our industry collectively has the largest fleet of hybrid vehicles in North America, and continue in that change.

Ms. Catherine Fife: That work should be recognized, don't you think, going forward?

Mr. Jim Goetz: Agreed.

Ms. Catherine Fife: Okay. Thank you.

The Chair (Ms. Soo Wong): Thank you, Mr. Goetz, and thank you for your written submission. Have a good day.

ONTARIO RESTAURANT HOTEL AND MOTEL ASSOCIATION

The Chair (Ms. Soo Wong): The next group before us is the Ontario Restaurant Hotel and Motel Association. The Clerk is coming around with the written submission.

Good morning, Mr. Elenis. Welcome.

Mr. Tony Elenis: Good morning.

The Chair (Ms. Soo Wong): As you probably heard, you have 10 minutes for your presentation, sir, followed by five minutes of questioning. This round of questioning will be coming from the government side. When you begin, can you please identify yourself for the purpose of the Hansard? Thank you.

Mr. Tony Elenis: Thank you. Good morning, Chair and committee members. I'm Tony Elenis, president and CEO of the Ontario Restaurant Hotel and Motel Association. The sharing economy, specifically Airbnb, is a mile-stone in innovation, a great concept. But today, Airbnb in Ontario operates as part of the professional underground economy. It is a threat to the accommodations sector, its huge supply chain and to jobs. Approximately 35% of all youth work in the hospitality industry. Every day the government waits is a day without tax revenues. We call on Ontario to follow the lead of the province of Quebec and regulate Airbnb.

Back in 2004, Toronto hotels, soon followed by Ottawa hotels, developed a destination marketing program, DMP, an industry solution to an industry problem. The fee applied to hotel guest rooms generates a significant return of investment. Government does not have the amount of funding required for destination marketing, and Ontario's accommodations industry will not be able to compete in an industry that is highly competitive without the type of funding generated by the DMP. Global tourism ranks as the fourth-largest growing industry, and we are far behind.

At one time, there were 14 destinations operating with the DMP program in Ontario. City of Toronto hotels alone generated \$34 million towards a marketing fund strongly supporting Toronto and the province through a healthy economic return. The same can be stated for the city of Ottawa and the other destinations.

The program has now reached its full potential and, most importantly, it's under threat. The Ministry of Tourism, Culture and Sport has officially endorsed the DMP, but that's not enough. We call for a legislative or regulatory authority for the DMP. A regulatory framework will provide certainty needed by the industry and validate destination marketing programs as a valued economic development mechanism. It mandates that funds raised through this program be used solely for the purpose of promoting tourism and specifically addresses visitor experience and consumer protection.

Furthermore, a major concern to the DMP is a municipal-added tax to the hotel guest room rate. The ability for municipalities, such as the city of Toronto, to add a tax to a hotel guest room rate—well, to put it bluntly, it will kill the DMP. Our recommendation is for the government of Ontario to legislate no new taxation powers to implement a hotel lodging tax under the Ontario Municipal Act for all municipalities in the province of Ontario.

Now, on regulations: The industry is aiming to comply with the recent new AODA and the Ministry of Labour safety standards, but it's tough with new non-stop regula-

tions thrown at it. Our sector is unique, as it touches upon several ministries. In an extremely regulated industry, it was disappointing in 2015 to see so many new pieces of legislation come forward at one time from the various ministries: Bill 45, the healthier choice act—menu labelling—compliance in 2017; Bill 56, the Ontario Retirement Pension Plan—compliance in 2017; Bill 12, Protecting Employees' Tips Act—compliance in May 2016. Among many others in the pipeline, the Employment Standards Act and the Labour Relations Act review aims to revise regulations that will most likely financially impact our industry in 2017.

Along with skyrocketing energy costs, rising food costs, and labour shortages, these regulations will create more red tape, impacting growth. To state the obvious, such expansion of legislation and regulations is inconsistent with the principles of a streamlined and focused regulatory environment, as enunciated by your government's Open for Business philosophy.

0930

We recommend that the government review all pieces of legislation that are coming into force for January 2017, and consider delays for implementation. A financial impact study makes a lot of sense.

Thank you for your consideration.

The Chair (Ms. Soo Wong): I'm going to turn to Ms. Albanese to start this round of questioning.

Mrs. Laura Albanese: Thank you for your presentation here today. I do understand your point, the fact that you are expressing concerns about the number of bills and regulations that could have an impact on businesses, which we want instead to thrive and to be healthy, to help our economy.

In regard to the Employment Standards Act and the Labour Relations Act: Have you made deputations, or have you participated in the consultations that the government has been doing?

Mr. Tony Elenis: Yes, and we had two meetings with the reviewers.

Mrs. Laura Albanese: The sharing economy is a new reality, an emerging sector that we're trying to be very prudent about. In October, the province established an advisory committee. I don't know if you've had any conversations with them, as well, to bring forward your point of view.

Mr. Tony Elenis: Yes, I had several interviews. I've been on panels with Tim Hudak involved in there, and I'm aware of what's going on there, but I think the key area here is that any commercial business should be separated from a typical Kool-Aid stand in front of a home garage with kids selling Kool-Aid.

Mrs. Laura Albanese: Of course, yes. There is the private member's bill that MPP Hudak is bringing forward, and then there is also this advisory committee that the province has established.

Mr. Tony Elenis: We've studied global jurisdictions, and there are many models, but they're all moving into regulating it. When we're talking about the underground economy and deficits, where's the action?

Mrs. Laura Albanese: We're trying to move on that. Personally, as parliamentary assistant to the Minister of Finance, I've started some consultations specifically on the underground economy in the construction sector. I know that all businesses that have a lot of cash transactions are affected, but at the same time, that seems to be one where we should dedicate some attention, so that's the one I'm taking care of. I wish I had a magic wand, but we don't.

We hope to get some action soon and we hope that we can at least make a dent in it. I will take your recommendations back to the minister, and we thank you for your presentation.

Mr. Tony Elenis: Thank you.

The Chair (Ms. Soo Wong): Thank you very much for your presentation, as well as your written submission. Have a good day.

RETAIL COUNCIL OF CANADA

The Chair (Ms. Soo Wong): The next group before us is the Retail Council of Canada. Mr. Gary Rygus? Good morning.

Mr. Gary Rygus: Good morning.

The Chair (Ms. Soo Wong): Welcome. The Clerk is coming around with your written submission. As he distributes your written submission, you have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the official opposition party. You may begin any time. When you begin, can you please identify yourself for the purposes of Hansard?

Mr. Gary Rygus: Good morning. My name is Gary Rygus. I'm the director of government relations for the Retail Council of Canada. On behalf of RCC's members operating across the province of Ontario, thank you for the opportunity to appear before the committee today.

The Retail Council of Canada has been the voice of retail since 1963, and has members who operate more than 45,000 storefronts nationally, 17,000 of which are in Ontario. We represent an industry that touches the daily lives of most people in the province.

Our members represent all retail formats: department, grocery, specialty, discount, independent stores and online merchants. While we do represent large mass-merchandise retailers, a significant number of our members are in fact small, independent merchants.

As an employer, retail is number one in Ontario, with more than 839,000 jobs generating over \$177 billion in sales. Retailers invested over \$3 billion in capital expenditures in 2015 in Ontario, and will continue to invest in the province for as long as Ontario remains competitive with other jurisdictions.

According to Stats Canada, Ontario sales were up 4.5% for 2015, as compared to being up 4.7% in 2014. Current sales growth may not continue, due to external factors such as China's economy and Canadian dollar volatility. But it's important to note that Ontario has the second-highest provincial level of sales growth, behind

only BC, which experienced a 7% growth in sales. Going forward, Ontario retailers expect to generate a sales increase in the area of a 3% to 4% range for 2016.

However, storm clouds remain on the horizon, as consumer debt is at an all-time high level, and this continues to have an effect on disposable income and discretionary purchasing going forward. Canadians remain cautious when it comes to opening up their wallets. Going forward, this will create challenges for retailers. The global financial crunch continues to make it tough to forecast future sales, especially with slow-growing economies in many countries.

Faced with challenging circumstances and a fragile economy, the government must focus on improving the conditions for economic development. The government must foster a positive job-creating environment.

Members of the Retail Council of Canada continue to be concerned about the implications of the Ontario Retirement Pension Plan. Retailers understand the need for all Ontarians to build an adequate nest egg for retirement. The level of retirees' incomes affects the overall economy and, of course, determines people's abilities to buy goods from our members. The challenge will be to balance the importance of long-term pension income adequacy against the near-term impact on growth, jobs and investment.

There is a limit to payroll contributions that retail businesses in this province can be expected to pay without there being a significant economic impact. We have a substantial employer health tax, the second-highest WSIB rates in Canada, and now we are looking at a new provincial retirement pension plan. The government must look at the cumulative impact of these payroll costs to ensure that they do not diminish our capacity to hire more Ontarians and to make key investments.

Retailers continue to have ORPP concerns, and they're focused on the following: the significant cost that this program will impose on merchants. This is especially troubling for small to mid-sized retailers who have no pension offerings currently in place. Specifically, at \$3,500, RCC argues that the low-income threshold will limit the hiring of seasonal, part-time and first-time employees. We question why this number, in place since 1996, has not been adjusted to current realities.

RCC had also put forward that the age threshold should be moved from 18 to 25, as people of that age are, for the most part, still pursuing their education, and any funds earned would be going to a higher-priority issue. Even with a higher age threshold, individuals would still possess approximately a 40-year time horizon to save for their retirement years.

RCC believes the government made an incorrect decision on both of those issues, and they need to be re-examined.

With retail sales growing slowly in Ontario for many categories, retailers will have no way of recouping these costs except by increasing prices or by decreasing staff or new hires.

However, more needs to be done for controlling business costs. The government needs to find additional

ways to reduce taxes and make changes that will support job creation.

As a support to mid-sized and smaller businesses, especially in view of the ORPP introduction and higher utility costs such as electricity, RCC continues to recommend that the employer health tax exemption threshold be raised to \$1 million, as its current level in Ontario is uncompetitive with other provinces that have payroll-type taxes. To further support hiring of full-time staff, the government should consider providing a one-year EHT holiday for employers.

RCC supports the efforts of WSIB management to eliminate the unfunded liability, currently at about \$8 billion. The 0% increase for 2016 premiums will not further add costs to make Ontario less competitive in the job creation front. The WSIB must maintain its laser focus on managing the WSIB revenue stream and not become complacent in its efforts. In fact, RCC is recommending a 15% reduction in WSIB premiums for 2017, as the unfunded liability is expected to be paid off several years earlier than anticipated. This would help offset the ORPP costs facing businesses, especially for businesses without pension offerings.

On the environment front, RCC generally supports the Bill 151, Waste-Free Ontario Act, framework legislation. RCC looks forward to working with government during consultations for drafting of relevant regulations to support this legislation. In creating the regulations, it will be important to minimize administrative burden for businesses while reducing the waste stream in the province.

0940

One point to note: Retailers continue to insist that they be allowed flexibility in showing environmental levies separately on the sales receipts. Visibility of fees provides the opportunity for consumer education. With informed consumers, increased diversion is possible. The approach is consistent with an open and transparent government.

On the infrastructure front: Retailers understand the need for infrastructure improvements and congestion reduction for transportation of customers and for logistics because of their broader economic impact. However, retailers will not support tools that disadvantage any one sector of the economy or create economic distortions, such as parking space taxes or regional sales taxes.

New tax sources should be our last resort, with every effort made to reallocate first from existing funds and with strict, audited controls on spending programs. Spending must be open and transparent so as to demonstrate accountability to the taxpaying public.

RCC continues to support the fast-tracking of the Open for Business initiative. Change the way government creates legislation; adopt a business lens; and focus on creating legislation by asking the question, "Does this legislation add economic value to the province?" Adopting this type of approach will require an adjustment of government policy development. Now is the time to establish a positive environment that facilitates job creation.

On behalf of the Retail Council of Canada, I thank you for your time.

It seems appropriate that today is Groundhog Day. As I mention at this point at every pre-budget consultation, there are only—in this instance—333 days before Christmas. RCC asks that you please remember to shop each and every day at your local retailer. It is never too early to start. The jobs you support will be of family, friends and neighbours. The Ontario economy will thank you. Thanks for your time.

The Chair (Ms. Soo Wong): Thank you very much, Mr. Rygus. I'm going to turn to Ms. Munro to begin this round of questioning.

Mrs. Julia Munro: Thank you very much, and thank you for coming. There are so many things in this presentation that we would be able to spend considerable time discussing, but a couple of things that I would like to give you an opportunity to respond to: one, particularly, is Open for Business. It seems to me that it was announced by this government several years ago, and we're still looking fairly reticent in terms of making changes and things like that. I wondered if you've had the same experience in the snail's pace of change for Open for Business.

Mr. Gary Rygus: That's an interesting observation, Julia. I think that the government still struggles in trying to make it streamlined for businesses to operate in the province. I was recently at an event with Minister Duguid and Mayor Tory where there was going to be an Open for Business kind of review between the municipality of Toronto and Ontario to see where there could be possible streamlining. Those are potentially great areas for improvement, where you have municipal governments trying to get businesses to go in one direction or in the same direction but, for example, reporting twice: at the municipal level and at the provincial level.

There are still areas. If you have the energy to look at those things, you can achieve benefits for the business community. There's no shortage of them.

Mrs. Julia Munro: We have other sectors who want to have a lens on a particular issue that is important to them—I'm thinking in terms of the environment, for instance. Is there a lens that looks after the retail industry?

Mr. Gary Rygus: Interesting question. I think that retail, in general, can sometimes be taken for granted. We're always going to be there, but are we the ones that governments of the day pay attention to? I would suggest to you that they don't, because governments are more interested in the higher-value-added-type jobs. They look at pharmaceuticals, aerospace and car manufacturing as being the jobs that are where the future resides. Retail continues to chug along. We continue to add to the economic landscape, and it's something that goes on day after day.

I think that governments take the attitude that retail is always going to be there because that's where the population is, but retail is always being challenged because the landscape for it is so competitive, whether it's cross-

border shopping or whether it's online shopping. Those kinds of activities happen. We have to be relevant for the day and going forward. If they're not, they're constantly rediscovering themselves as new and improved entities.

Mrs. Julia Munro: I wanted to ask you a question about the ORPP. The Conference Board of Canada admitted that there would be some definite challenges to it as it begins. I wondered if you would comment on the retail sector in a response to that description of a definite challenge for people.

Mr. Gary Rygus: I think, in general, businesses are going to be challenged to implement the ORPP. Significantly, our discussions have been focused on small and mid-sized, where they currently have little or no pension offerings. That's why we've focused on providing some sort of offsets on the EHT front as well as the WSIB, because those are areas where you can reasonably provide an offset, if you will, going forward.

I'm trying to time that with the 2017 implementation but, by all means, all the answers to a previous question: "Does the business community know what to expect starting January 1?"—there's still some question in businesses' minds that they know all the answers to make that happen successfully on January 1.

Mrs. Julia Munro: Thank you.

The Chair (Ms. Soo Wong): All right. Thank you very much for your presentation as well as your written submission.

Mr. Gary Rygus: Thank you very much for your time.

The Chair (Ms. Soo Wong): I don't believe we have the next two witnesses before us, so I'm going to recess the committee. I ask the members not to go too far because, whoever is coming next, we're going to call them back to the presentation. So I'm just going to recess the committee. As soon as the next presenter or the subsequent presenter comes, I'm going to reconvene the committee. We have a very tight schedule with the minister at lunchtime.

The committee recessed from 0947 to 0954.

ODSP ACTION COALITION

The Chair (Ms. Soo Wong): Okay, I'm going to resume the Standing Committee on Finance and Economic Affairs. Our next witness before us is the ODSP Action Coalition. I think that both of the witnesses are here: Louise Bark and Patricia Smiley, and you also brought your friend. What's his or her name?

Ms. Louise Bark: Bruce.

The Chair (Ms. Soo Wong): Okay, Bruce. You're being pretty good.

Ms. Bark and Ms. Smiley, you have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the official third party. I know that you have your written submission—

Ms. Louise Bark: I can barely hear you. Sorry.

The Chair (Ms. Soo Wong): Oh, I'm so sorry. You have 10 minutes for your presentation, followed by five

minutes of questioning. This round of questioning will be coming from the third party. You may begin any time. When you begin, please identify yourself for the purposes of Hansard.

I know the staff has your written submission and it will be circulated very shortly. All right, you may begin.

Ms. Patricia Smiley: Good morning. My name is Patricia Smiley, and I'm here as a member and on behalf of the ODSP Action Coalition.

The ODSP Action Coalition is a network of disability service providers, community agencies, community legal clinics and recipients of the Ontario Disability Support Program. Our mandate is to advocate for improvements to the income and employment supports available to people with disabilities. We've been connecting organizations and individuals concerned about ODSP since 2002.

People with disabilities who get their income through ODSP have many barriers and stresses to deal with in their lives. These include the lack of accessibility that still exists with respect to services, employment, housing, transportation, communication, physical and mental health challenges that may come with their disability and difficulty in finding adequate services to meet those needs, and the problems of navigating complex systems of income and other supports. However, members and correspondents to the ODSP Action Coalition consistently cite poverty—the lack of an adequate income to meet needs—as the biggest stressor and barrier to full participation in society.

We're here to say: Why does having a disability or chronic illness result in a life of poverty in 2016? Why do so many people in receipt of ODSP have to rely on food banks in order to be able to pay their rent or afford transportation to get out into the community? The Daily Bread Food Bank's 2015 survey found that 34% of their clients receive ODSP, a percentage that has almost doubled since 2005. They add, "The length of time people receiving ODSP have been coming to a food bank has also increased significantly since 2008. They have been coming for an average of three years, up from two years in 2008. One reason for this is that ODSP is more likely to be a long-term source of income that recipients are completely dependent on, and it is falling farther and farther behind the rapidly rising costs of living such as rent and food."

In order to make sure that we have all our recommendations, I'm going to go to the last page and give you the summary, and then, dependent on time, fill in some of the blanks.

The summary of our recommendations is:

(1) Provide an adequate level of income for all ODSP and OW recipients based on the real, average costs of nutritious food, shelter, energy, transportation, personal and household needs, and, particularly for people on ODSP, the additional costs related to their disability.

(2) Include the families of ODSP recipients in the raise in income supports that allow spouses to keep more income.

(3) Do not deduct any portion of the new federal child benefit from social assistance income or restructure social assistance rates to lower amounts paid for children on OW and ODSP.

(4) Do not deduct child support payments from social assistance.

(5) Ensure there is adequate access to dental, vision care and other health benefits for all ODSP recipients.

(6) Take care when extending health benefits to more people so that there is not a loss of benefits for people with disabilities or their children and other dependants.

(7) Make adequacy of income the number one priority for rate restructuring.

(8) Ensure that changes to OW and ODSP do not result in any individual or family losing ground and sinking even deeper into poverty.

Our key priority is in fact adequate incomes. It's been the same for many years. There must be a commitment to increase the levels of income support provided for people on ODSP as well as for people on Ontario Works. These levels should be set in a way that reflects the real, average costs of shelter, nutritious food, transportation, personal and household needs, communication and the additional costs related to disability.

For many years ODSP and OW rates were frozen, thus falling farther and farther behind the cost of living. There have been slight increases over the past few years. In the past few years, it's been 1% for ODSP recipients with a disability, but that has been insufficient to keep up with the continual increase in the prices of the most basic needs for food, shelter and transportation.

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In November 2015, food prices were found to be 3.4% compared to a year earlier. The increase in the average rent for a bachelor apartment in the province was 3.3% from October 2014 to October 2015. Furthermore, while the government gives a 1% increase in ODSP rates and OW rates, and only to the recipient member of the household, the fact is that landlords are allowed to charge 2% more—a simple example of how we're falling further behind.

We would also add that there has to be a process developed to raise rates to meet these basic costs of food, shelter, transportation etc. Having done that, we would like the Ontario government to show their commitment to reducing the poverty that recipients live in by starting with a substantial increase in the 2016 budget.

The next point is about fairness for families on ODSP. This point is that the income assets of all family members are taken into account, but if there's a non-disabled spouse, a dependent spouse or an adult child, that income will be deducted in whole or in part.

In each of the last three years where there's been a 1% increase, the Ontario government has acted as if the person with the disability does not have a family. The rationale is that family members on ODSP receive more than those on OW. But while income support for families in either form of assistance is simply inadequate, it isn't right to achieve equality by effectively cutting the incomes of families on ODSP.

The last point I'm going to make is about rate restructuring, which was promised in last year's budget. There was an indication that what would be followed are the principles set out in Brighter Prospects, the report of the Commission for the Review of Social Assistance in Ontario. Our concern is that Brighter Prospects, while talking about balancing various other principles with adequacy of income, does not provide recommendations to achieve a level of income for people on either OW or ODSP that actually provides for their needs and allows them to participate fully in the community.

One example that we would like to point out was that in the 2015 budget, there was an announcement that the Work-Related Benefit under ODSP would be eliminated as part of a simplification of a number of employment-related benefits with different purposes into one benefit delivered in a new way, and was non-mandatory. This would have resulted, basically, in a decrease of \$100 per month for any ODSP recipient who works or has a family member who works.

After an extensive outcry from people with disabilities, this change was put on hold until the rate restructuring consultations are held. We are grateful in the coalition that the government did not proceed with this income cut for ODSP recipients.

I think I should pass things over to Louise.

Ms. Louise Bark: How many minutes do we have left?

The Chair (Ms. Soo Wong): You've got one minute.

Ms. Louise Bark: I was afraid of that.

In your package, I gave a copy of my actual budget. The reason I did that is that I wanted to highlight the critical part. One very important piece to note on this piece of paper is—remember, I'm subsidized; I have subsidized rent. I'm extraordinarily lucky. Thirty-four per cent of people on ODSP cannot get subsidized rent, so their rent—even a bachelor is \$800 or more a month. When you look at the maximum a single person gets, it's just absolutely unacceptable. We can't manage to even get transit to go to a food bank to go and get food. It really leads to a crisis in this province, and we really want to highlight the importance.

I'm a very visual person and I didn't have enough ink to produce enough copies, but what I did is I tried to create an image that shows—so groceries are taking up a huge chunk of my amount of income. That's \$275 of my living allowance portion. I took out the rent only because I'm subsidized. It's dollar for dollar. It doesn't count.

Sorry, I take that back. I did put shelter in here. Shelter is actually 28% covered right now, of my total income, which is actually good for me, but not for all those other people who can't get it.

In my case, I have a service dog. I put that in for one reason: He's a working dog. He's my "assistive device," if you want to call it such. One of the things people with disabilities say is that we don't always have coverage for our extraneous disability-related costs. In my case, my dog food actually does get covered dollar for dollar, and that will be reflected in the budget here. But the vet?

Absolutely not. And with grooming, which is critical, because there's no way I can wash him or trim him myself—I have to pay that extra.

There are lots of other costs that I have to cover, but I won't go into it further. For anyone who doubts why I would have a cellphone, I use Wheel-Trans. To get service in places that have steps, I have to actually phone to say, "Please serve me on the street."

As far as employment goes, I have an education and the ability to get a job, maybe an entry-level job. But you tell me how many cashier jobs or convenience store jobs or customer-service-type jobs do not have a physical component to them. The majority do have a physical component.

Trying to get a post-secondary education: I did apply for that and went through Web design, graduated from Web design. The idea was to be self-employed. When I graduated, I found out that because I'm in subsidized housing, I cannot work out of my home. That ended the career. Here's an attempt to go into the working world, and yet we have too many silos between all the different things.

So we have health affected; we have poverty. We have families being penalized when they raise the amount of income—1% last year, but only for the individual who's disabled, not for the rest of their family. Yet if they have a family member who is usually helping them with day-to-day things—

The Chair (Ms. Soo Wong): Okay, Ms. Bark, I'm going to have to stop you here. I'm going to turn to Ms. Fife to start this round of questioning.

Ms. Catherine Fife: Thank you very much for coming in. You've been coming in since 2002 and making the case for justice on ODSP, and I want to thank you for that.

The work-related supports that you mentioned that had been delayed a year: You're in favour of the delay because the consultation is still going on. Is that right?

Ms. Patricia Smiley: Consultations haven't begun yet.

Ms. Catherine Fife: They haven't begun yet? It's been a whole year.

Ms. Patricia Smiley: No.

Ms. Catherine Fife: Okay. Well, we had some concerns about that because we saw it as a reduction, going forward, for those who actually want to go out into the workforce. The government said, "No, it will be better," but we pushed back on that. At least that hasn't been brought into play.

I do want to say that the messaging around families being penalized has been consistent. When Desmond Cole wrote that piece in the Toronto Star before Christmas—I think it was actually December 24—on the claw-back for those who are on social assistance, on ODSP, I think that took people by surprise, that the government can actually do it. They don't collect \$49 million in fines that they issue to road maintenance companies. They don't collect \$49 million, but they can come in and

collect \$40 from a single mother who got a child support payment.

BC has eliminated that, and we would like to see this government go that same route. If you want to lift people out of poverty, you shouldn't be basically taking money from the poorest people in the province. So I want to show support for that.

Do you want to comment at all—accessibility was brought under the Ministry of Economic Development, Employment and Infrastructure, and you've really raised some key points as to some of those obstacles, because people on disability don't want to be on disability if they are able to work. That's a direction that we should be going in around social justice, I think.

Ms. Louise Bark: I'll certainly speak from my experience. They often look at the little piecemeal pieces of accommodation. If you want to accommodate a wheelchair, you're looking at removing a step and maybe making an accessible bathroom. But what about inclusion and allowing that person to be included in all the activities of the office? I know that when I worked in the call centre and we had an office party, I couldn't participate because they were not in an accessible location. The same with the lunch room and different things. You don't have the same opportunities to actually do the key soft stuff that exists in employment. That's one example.

If you look at people who have other kinds of disabilities, unfortunately, people are uncomfortable in trying to relate to people with disabilities. There's some really good information out there, but we need to somehow take a step somewhere.

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One mistake, I would say, is that in my case, I have gone and asked people, "Help me get my foot in the door." I have five volunteer jobs. I work well over full time, volunteering, right now. I don't get paid a penny. Why am I volunteering? Because there's nothing else I can do.

Here's the thing: If someone could get my foot in the door of a paid employer, I bet you I would do a lot for them. But unfortunately, they look at a resumé-based principle and they look at the fact that I don't have a lot of work history—in my former city, Kingston, there were not the opportunities to work. I might get a better chance in Toronto—no work experience.

They somehow have to look at those soft pieces, and they maybe have to look at some placement, helping people get placed. But the biggest, most important thing is the dignity and respect of the person. Allow the person with a disability to say, "Here's what I need; can you help me?", and then have that service provided, so there's not an insult or a patronizing attitude toward it, but just help them get their foot in the door.

Ms. Catherine Fife: Okay; that's really good. Finally, the housing piece: We're supposed to see a provincial housing strategy, an updated housing strategy. It has long been promised, building on the 2010 plan, the last strategy, but that didn't have targets or specific plans to actually build affordable, quality housing. The maintenance, I know, is a huge issue for subsidized housing.

Thank you for raising that issue. But all future housing, obviously, should be accessible and energy-efficient—

Ms. Louise Bark: As an FYI, they're not even accessible.

Ms. Catherine Fife: They're not?

Ms. Louise Bark: My place is not accessible. The provision to help me with anything related to help in the kitchen, where my kitchen is not accessible—there is none. That's another key piece to put into that, yes.

Ms. Catherine Fife: Okay. Thank you very much for sharing your perspectives today and for your recommendations going forward. Let's pay attention to the housing piece as it comes forward as well. Thank you.

The Chair (Ms. Soo Wong): All right, thank you very much, Ms. Bark, Bruce, and Ms. Smiley. Thank you for your presentation and your written submission.

ENBRIDGE GAS DISTRIBUTION

The Chair (Ms. Soo Wong): The next group before us is Enbridge Gas Distribution. I believe the witnesses are here. Are there any handouts? Okay.

Just give us a minute, so that Ms. Bark and Bruce—I think Bruce is having a good nap down there.

Ms. Daiene Vernile: He's sweet.

The Chair (Ms. Soo Wong): He's adorable; he really is.

While you are getting ready for your presentation, I'm just going to give you some quick instructions. You have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the government side. When you begin, can you please identify yourself for the purpose of Hansard? You may begin any time.

Mr. Jamie Milner: Good morning. My name is Jamie Milner, and I'm the vice-president of market development and customer care at Enbridge Gas. It's my pleasure and honour to be here again.

Last year, I spoke to this committee about natural gas expansion to rural communities. I'd like to thank the government for its commitment over the last year to ensure that affordable natural gas can be available to families in rural communities. It will help customers save money—and I'll talk a little bit more about that—and municipalities will be able to leverage new natural gas service to attract jobs and investment. That's one of the important elements of natural gas. That will provide much-needed economic stimulus in the agricultural, industrial and commercial sectors. We hope to keep that momentum going with the development of a grant and loan program to expedite the expansion.

Today, in moving forward, I'd like to talk to you about how Enbridge and the government can help existing natural gas customers find efficiencies in their homes and businesses, and, like other jurisdictions, "green the gas grid." Greening the gas grid is introducing renewable types of fuels into the natural gas stream.

Before I get started on that, I want to provide a bit of context for that. The carbon context is very important in terms of how we move forward.

Enbridge Gas: First of all, we've got over two million customers and have been in over 100 communities for 160 years. In terms of natural gas, the message is that natural gas is affordable and it contributes to economic prosperity. That's because it's abundant; we've got a 200-year supply of natural gas and more. One of the key benefits to increased expansion and utilization of natural gas is that those gas prices are amongst the lowest in the world and are forecast to be that way for some time—in fact, well beyond 2025.

Today, natural gas is about 70% less expensive than electricity and 67% less expensive than heating oil, and that means that the average natural gas customer would save about \$2,000 over the non-natural-gas consumer.

In the transportation sector, natural gas is 10% to 25% less expensive today. It was 40% less expensive when oil was a bit higher, but it's less expensive than traditional fuels and it's cleaner. I'll talk to you a little bit more about that.

Today Ontarians want to see the province's economic health continue to improve but they also want to help build a greener environment and more environmentally focused place to live and work. That balance is something I'm going to talk about in the context of cap-and-trade. We at Enbridge continue to be willing and supportive partners in building a carbon reduction strategy. Our belief is that natural gas is part of the solution. It's the least carbon-intensive of all fuels and burns efficiently, with fewer air pollutants.

Moving forward, we believe that through a combination of measures the gas sector in Ontario can reduce emissions by 21 megatonnes. The goal for 2030 is around 61 or 62 megatonnes, so that's about a third of the reduction the province needs to hit its 2030 goals.

I've got a slide that I've put up here that was produced by ICF Consulting, and it identifies the 21 megatonnes that I talked about. The yellow bar looks at basically vehicles, and in the vehicle sector there are about three megatonnes that can be reduced by switching from other fuels to natural gas in the heavy and medium truck sector. Not only is natural gas less expensive than diesel or gasoline, but you get that carbon benefit as well. In the transportation sector, that accounts for a third of Ontario's greenhouse emissions and it's the fastest-growing sector, so it's the sweet spot for switching fuels.

Dr. Philip Walsh at Ryerson—he's at the Ryerson Centre for Urban Energy—recently wrote an article that said that to tackle the immediate problem of transportation, Ontario needs to take advantage of natural gas and that when compared to diesel, “natural gas is clean, reliable and affordable.” He's just one of many that claim that natural gas is an imperative to help meet those carbon reduction targets.

I've got a quick video. It captures the voices of others and brings the story of natural gas in the transportation sector.

Video presentation.

1020

Mr. Jamie Milner: You can make that “zero emissions by using renewable gas.” I talked about greening the gas grid, and that's basically taking waste from organics, whether it's from farms, municipal waste or waste water. Those types of things can be used to produce biogas that can be put in the pipeline and used anywhere, contracted by anybody, to have zero emissions. There are other jurisdictions, like Quebec, California and BC, that have already introduced RNG in their systems. We need to encourage the government to use a portion of the cap-and-trade proceeds to help us enable that investment in technology here in Ontario.

Over the last two decades, the electricity grid has been largely de-carbonized with the replacement of coal plants, with conservation, renewables and natural gas. Just like the electricity sector, that natural gas grid can be de-carbonized, and it can be de-carbonized more cheaply than renewable electricity, just to put it in some context. Conservation, though, is going to be a real linchpin for moving forward. What we've been doing over the last—well, since 1995, Enbridge has reduced 18 megatonnes just through conservation programs. So there's a track record, and that's something that's really important moving forward.

Despite the fact that natural gas represents the largest potential for GHG reduction, there still remains a gap. Back to that chart, there's a white area there. That white area is something that we need to find. That really represents innovation. We call it the innovation gap. This is where we need to innovate with more efficient technologies and ways to take carbon out of the end-use types of appliances. We think that can be done.

We believe strongly that we need to invest more to help transition the market and so on.

The Chair (Ms. Soo Wong): Mr. Milner, could you wrap up your presentation? Thank you.

Mr. Jamie Milner: I'm two lines to wrapping that up.

The Chair (Ms. Soo Wong): Okay. Thank you.

Mr. Jamie Milner: The bottom line is that we think that natural gas is part of this energy mix and part of the carbon solution.

I appreciate the opportunity to be here today.

The Chair (Ms. Soo Wong): Thank you very much. We are strict on time this morning, because we will be meeting the minister at noon today.

Mr. Jamie Milner: I appreciate that.

The Chair (Ms. Soo Wong): I'm going to Mr. Milczyn to begin this round of questioning.

Mr. Peter Z. Milczyn: Good morning, Mr. Milner. Thank you for your presentation, and certainly for making it more entertaining than just an oral submission.

I wanted to start off by asking you about the progress that we're making on the \$200-million infrastructure funds the province already announced in the previous budget to expand natural gas into rural and underserved communities. Could you tell us a little bit about the process that's ongoing now to let that happen? That \$200

million: How much investment is that going to leverage from your company and others in the private sector?

Mr. Jamie Milner: The investment will leverage about \$100 million from ours, and probably something similar from Union Gas, and that's the starting point. That's just the first tranche. That's one community for us; for Union, I think that's several communities. Then, that will move forward. That's just to give you some perspective.

In terms of process moving forward, the regulator has weighed in. There are some policy issues that need to be ironed out. The OEB is having a generic hearing on some of the rules that need to change. That will happen sometime this year, probably mid-year, as we get decisions. In parallel, we're talking with the government on how to deploy that \$200 million and the \$30 million in infrastructure. So we're trying to work through that at this point.

Mr. Peter Z. Milczyn: I assume you have already identified, or are in the process of identifying, those communities which would be the first ones to which you could extend these gas networks?

Mr. Jamie Milner: Yes. We have quite a number.

Mr. Peter Z. Milczyn: Okay. In terms of your presentation and how the increased use of liquid natural gas in the transportation sector could help drive down our greenhouse gas emissions and help us achieve our targets as a province, could you tell us a little bit about what level of infrastructure needs to be put in place in the province with fueling stations and so on to make this a reality, to start transforming the transportation sector into a less-emitting service?

Mr. Jamie Milner: We're in the process of working with the Ontario Trucking Association to lay that exact framework out. But it's looking at, first of all, the high-density corridors, what we call the Blue Highway, which is the main areas, and then you start to build them out in terms of nodes-and-spokes types of locations. And it's not just LNG, liquefied natural gas; it's compressed natural gas too.

Anyway, it's a process to map it out, and then how do you stand that up?

Mr. Peter Z. Milczyn: Our government is making unprecedented investments in public transit, expanded public transit and public transit infrastructure. In a number of communities we're looking at implementing bus rapid transit as the most efficient form of transit. Are there any barriers or is there any reluctance of transit operators of this province to adopt this technology? If so, what are they and what could we do to help overcome that?

Mr. Jamie Milner: It's an interesting question. There are lots of barriers, and there have been lots of barriers. Probably the biggest barrier is just the status quo—people are comfortable using diesel—and the mechanics and training. That's the biggest resistance that we've had.

In terms of leadership, that's really what is needed: leadership to say, "This is the direction we need to go," to create that framework, and then make it happen.

Where bus operators have gone to natural gas, as you heard in the video, they like it. From a maintenance perspective, there's no difference; it's all good stuff. But it starts with leadership and saying, "Hey, there's an opportunity here," and then it's creating the framework.

Because these are municipal decision points, there's policy stuff; there's a lot of process that happens there. Those processes are cumbersome and there isn't any guidance. Every municipality has to do their own study and figure out exactly how that's going to work, so—

The Chair (Ms. Soo Wong): Okay, Mr. Milner, thank you for your presentation. I just want to remind you that you have until 5 p.m. this afternoon if you would like to do any written submission to the committee.

Mr. Jamie Milner: We will provide a written submission to you.

The Chair (Ms. Soo Wong): All right. Thank you very much, and thank you for your presentation.

NURSE PRACTITIONERS' ASSOCIATION OF ONTARIO

The Chair (Ms. Soo Wong): The next group before the committee is the Nurse Practitioners' Association of Ontario. I believe that the nurses are coming forward, and the Clerk is coming around with the written submission.

Good morning, ladies. Now, we only have one name before us: Theresa Agnew, executive director. So I'm just going to give you quick instructions. First, you have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the official opposition party. When you begin, can you please identify yourself for the purposes of Hansard? Welcome.

Ms. Theresa Agnew: Thank you very much. It's an honour to be here. I am Theresa Agnew. I'm the executive director of the Nurse Practitioners' Association of Ontario. I'm here with our director of policy, Jane Fahey-Walsch, and also with Marcela Killin from our office.

My notes are in the submission that you have, as well as a pamphlet about nurse practitioners and also a platform that was developed. We actually did get a response on our platform questions from the Premier, and she did commit to making the changes that we had requested in that platform.

1030

The Nurse Practitioners' Association of Ontario is the professional voice for nurse practitioners in Ontario. Formed in 1973, NPAO has been active in policy development, advocacy, awareness, professional development and knowledge dissemination for more than 40 years. NPAO is the professional voice of more than 2,800 nurse practitioners across Ontario.

Nurse practitioners are registered nurses with advanced university education and experience who provide a full range of health care services. Nurse practitioners are authorized to independently prescribe all medications, with the exception of controlled drugs and substances. I would note that Ontario is now the last jurisdiction in

Canada to enable nurse practitioners to prescribe controlled drugs and substances. Nurse practitioners are able to order and interpret all laboratory tests and some diagnostic imaging tests. NPs are also able to admit, treat and discharge hospital patients.

NPAO is asking in the 2016 provincial budget that the budget include a targeted investment in primary care in order to address the nurse practitioner recruitment and retention crisis which is being experienced in the community.

In *Patients First: Action Plan for Health Care*, Minister Hoskins has articulated a strategy that will help to ensure that the people of Ontario receive the right care at the right time by the right provider as close to home as possible. Furthermore, by utilizing the most efficacious and cost-effective provider, taxpayers will see better value for their tax dollars. Unfortunately, one of the major impediments to achieving this goal is the ministry's current compensation policy.

The government talks extensively about shifting health care services to the community, but provincial policies drive health care professionals out of the community and back into the hospital. The average nurse practitioner works for 16 years as a registered nurse before doing a master's degree to become a nurse practitioner. Despite the added accountability and scope of practice for a nurse practitioner, an RN working in a hospital or a public health unit makes the same salary as a nurse practitioner working in primary care.

Nurse practitioner salaries in the community are frozen at the 2006 rate. Not surprisingly, community positions for nurse practitioners are now experiencing high turnover and vacancy rates. This means that approximately 250,000 Ontarians are kept waiting for care. Organizations such as CHCs, family health teams, and nurse practitioner-led clinics must turn away patients who could otherwise be treated by an NP. The salary for an NP in Ontario working in primary care is now the second-lowest in Canada; Quebec is lower. An equitable compensation policy would help to ensure a return on the investment in nurse practitioner-led clinics and community-based health care that the province has already made and pledges to make.

Reducing turnover also improves patient safety and improves continuity of care. There are a number of cost-effective and relatively straightforward measures to address the recruitment and retention crisis in primary care. For example, introducing pension equivalency—HOOPP—between primary care and the rest of the health care system would provide a powerful first step in helping address the problem. NPAO, along with the Association of Ontario Health Centres and the Association of Family Health Teams of Ontario, is proposing a multi-step solution to this crisis. We submitted this document, actually, in June 2013. In addition, NPAO is asking that the 2016 provincial budget create a truly integrated funding structure for health care that follows the patient, not the provider.

In the discussion paper entitled *Patients First*, which was released by Minister Hoskins on December 17, 2015,

the minister sets out a bold and ambitious plan for the health care system. In the proposed plan, the LHINs would have more responsibility for planning and more accountability for monitoring performance measures. However, the paper also states that the government would continue to centrally negotiate funding for primary care and physician compensation. This leaves the LHINs without the financial levers they need to accomplish their work.

Recently, four public health units in different areas of Ontario let all of their nurse practitioners go. These nurse practitioners had worked for years providing sexual health clinics. They provided high-quality care, with excellent outcomes. The NPs were replaced with physicians. Why? Because the nurse practitioners are paid a salary out of the global budget of the organization, whereas the physicians bill OHIP. While the budget of the public health unit may look better, this change will actually double the cost of services to taxpayers.

This type of maneuvering is going on in hospitals and long-term-care homes as well. Various incentives encourage organizations to follow the money rather than determine who can achieve the best outcomes for clients. For example, nurse practitioners in some emergency departments are relegated to seeing the most complex patients. This enables physicians to see less complicated patients, in order to bill for higher volumes.

Physician services account for 20% of every dollar spent in Ontario. Despite the fact that this amounts to \$11.7 billion, there is barely any mention of this funding in previous provincial budgets. We know that this government is committed to transparency and openness. We know you are committed to achieving the best value for taxpayer dollars. As such, we recommend that health care funding be integrated at all levels.

Finally, NPAO is asking that the 2016 provincial budget include further investments in health human resource funding for long-term-care facilities so that the ratio of one nurse practitioner for every 150 long-term-care residents is achieved. Long-term care is a critical component of our province's health system. Long-term care houses 75,000 Ontarians who require significant care and are no longer able to live at home. In recent years, the acuity level in long-term care has risen significantly. Residents are much sicker when they go into care and more in need of complex care than even a decade ago.

Increasingly, nurse practitioners are acting as the most responsible practitioner in long-term-care homes. Systematic reviews indicate that an on-site nurse practitioner in long-term care can decrease transfers to emergency departments; decrease hospitalization rates; decrease length of stay; decrease depression, urinary incontinence and pressure ulcers; and increase staff and resident satisfaction rates.

The Liberal government has recently rolled out an additional 30 nurse practitioners in long-term care, with a commitment to an additional 45 attending nurse practitioners over the next two years. But this is far below the

number needed to address the “grey tsunami.” Based on emerging evidence, NPAO believes that both long-term-care residents and the province would benefit from continued expansion of NP positions in this sector. Our goal is to ensure that there is at least one nurse practitioner for every 150 residents in the sector. This ratio would guarantee that all residents have access to timely care. As well, taxpayers would see better value for their money.

Thank you so much for the opportunity to make this submission.

The Chair (Ms. Soo Wong): Perfect timing. I’m going to turn to Ms. Munro to begin this round of questioning.

Mrs. Julia Munro: Thank you very much for coming and being able to give us this kind of insight. I just want to say off the bat that I have a nurse practitioner-led clinic in my riding, and I would want you to know that they’re doing a good job of keeping their MPP informed of their issues.

The question of retention, of course, comes right at the very top. From an outsider looking at the situation, it just doesn’t make any sense whatsoever. The question of the money following the patient is something that people have tried to get their heads around for a long, long time, and I would hope that this kind of data helps to make that happen.

The issue around the way in which they are delegated into other places: Can you give us a sense of how much pressure there is on having the nurse practitioners in situations like you’ve described in the hospital? What are the stats on that kind of thing? How much of a challenge is it?

1040

Ms. Theresa Agnew: Of the more than 2,800 nurse practitioners, currently approximately 1,000 of them are working in hospitals. We have approximately 100 working in a nurse-practitioner-led clinics. Many of the rest are working in primary care.

I think it is about 1,500 nurse practitioners who would enter into a community health centre, family health team or a nurse-practitioner-led clinic, only to leave there for a higher-paying job. That’s what creates the high turnover. The nurse-practitioner-led clinics have really seen that quite acutely. As a result, they’ve had to turn away patients and not provide services.

But there are other examples of the funding not aligning to the appropriate provision of services. For example, in family health teams, physicians are paid an incentive or a bonus to see babies, to do prenatal care, to do smoking cessation counselling. Well, that makes no sense at all. That could definitely be done by a nurse practitioner—or by an RN, quite frankly.

Mrs. Julia Munro: My colleague has a question.

The Chair (Ms. Soo Wong): Mrs. Martow?

Mrs. Gila Martow: I just wanted to touch on your presentation. You said that the government basically shut down the sexual health clinics that were being run by the nurse practitioners. I was just wondering, because it’s

just another shell game, if we’re taking funding out of one program and then we’re putting it on to another program without increasing that other program’s budget, which means that now if the doctors are billing OHIP to do that work, then that comes out of the global budget for doctors’ billings in the province and that means that there’s less money for doctors to see patients for other needs.

What amount of money, would you say, was being paid for those nurse practitioners in those sexual health clinics?

Ms. Theresa Agnew: Basically, according to the current Minister of Health, the average family physician has an income of about \$350,000, whereas nurse practitioners are paid under \$100,000, so you can see that there is quite a differential.

My point, though, is that the funding is coming from two separate pots, if you will: There’s the protected OHIP billing pot and then there’s generally everything else. Until we integrate those sources of funding and also bundle funding that follows the patient, we will continue to see this shell game happening, I believe.

Mrs. Gila Martow: I think what we’re seeing in terms of funding for patients is that funding per patient, per taxpayer in the province vastly decreasing, because the population is increasing and the funding isn’t increasing at the same rate to keep up with the aging population as well.

I just want to mention that when you’re saying things like \$350,000, that’s billing. That’s before their expenses and it’s not salary.

Ms. Theresa Agnew: That’s revenue. That’s correct, absolutely.

Mrs. Gila Martow: Thank you very much.

Ms. Theresa Agnew: Thank you.

The Chair (Ms. Soo Wong): Thank you for your presentation and for your written presentation as well.

ELEMENTARY TEACHERS’ FEDERATION OF ONTARIO

The Chair (Ms. Soo Wong): The next group before us is the Elementary Teachers’ Federation of Ontario—ETFO. I believe Mr. Hammond and his colleagues are here. The Clerk is coming around with his submission.

Good morning, Mr. Hammond and your colleagues. Is it Vivian McCaffrey? Good morning. As you’ve probably heard, you have 10 minutes for your presentation, followed by five minutes of questioning. In this round, the questioning is coming from the third party. When you begin, can you please identify yourselves for the purposes of Hansard? Welcome, you may begin at any time. Thank you.

Mr. Sam Hammond: Thanks. I don’t have 25 minutes? They told me “25.”

Laughter.

The Chair (Ms. Soo Wong): I’m so sorry. As everyone knows, I’m strict about the times, especially today. Thank you very much for being here.

Mr. Sam Hammond: Thanks. It's a pleasure to be here. My name is Sam Hammond. I'm the president of the Elementary Teachers' Federation of Ontario, the largest teachers' union in Canada. With me, on my left, is our general secretary, Victoria Réaume; and on my right, our amazing government relation officer, Vivian McCaffrey. On behalf of our 78,000 members, I am pleased to participate in this, the 2016 pre-budget hearings.

ETFO is looking to the government to develop a budget that adopts a more equitable and balanced approach to addressing the deficit and fostering economic growth. Public sector services and public sector employees have felt the full brunt of the province's public sector austerity policies. The 2013 budget confirmed that one-time savings from the cuts to teachers' sick leave and retirement gratuity provisions contributed \$1.1 billion—that's \$1.1 billion—to the \$5-billion drop in the estimate for the 2012-13 deficit. The 2015 budget reported that the province had achieved \$1.6 billion in savings since the 2014 budget through lower pension costs resulting from constrained public sector wage growth and better-than-expected investment performance.

With wage increases not keeping up with the cost of living, the latest round of education sector bargaining has continued this pattern of austerity. ETFO members and the public sector generally have contributed more than their fair share to deficit reduction. In the post-recession economy, following the loss of thousands of manufacturing jobs, a strong public sector has an important role to play in ensuring that there are middle-class jobs that contribute to the provincial treasury and fuel economic recovery. ETFO is recommending that the province work with the federal government to reform personal and corporate income tax so that we narrow the growing income gap, tap into the dead money that corporations aren't using to invest in our economy, and create jobs for Ontarians.

ETFO acknowledges that since 2003, the Liberal government has indeed increased education funding. But the additional funding has only gone partway in addressing the \$2 billion in cuts imposed by the previous Progressive Conservative government. Not all cuts implemented by the previous government have been restored. Programs such as special education, English as a second language, design and technology, physical education and the arts continue to be shortchanged at the elementary level.

Much of the funding increase since 2003 has supported new initiatives like the reduction in primary class size and the introduction of full-day kindergarten, but the government is not paying the full cost of these mandated programs. In its 2007 election platform, the Ontario Liberal Party committed to reviewing the education funding formula by 2010. Well, it's 2016 and that review has yet to take place. A comprehensive review is long overdue.

ETFO has identified a number of priorities for funding reform for elementary education.

The first is special education. Currently, approximately 17% of elementary students receive special education

support. According to the most recent Ministry of Education data, approximately 83% of these students are in regular classrooms. In order to be implemented successfully, integrating students with special needs into our regular classrooms requires more resources to support the students as well as the classroom teacher in terms of training, human resources and material resources.

As the government has phased out its mitigation funding to ease the impact of declining enrolment, a number of public boards—at least 14—are struggling with cuts to special education. In some boards, the funding reduction is leading to cuts to educational assistants. For example, the Bluewater District School Board eliminated 49 EA positions. These support staff are critical to the ability of teachers to meet the needs of all students in the class and to address the behavioural issues of many students with special needs.

There is also a need to provide training for occasional teachers to assist them to address behavioural issues and adopt teaching strategies that support students with a wide spectrum of learning disabilities.

Teachers need release time to fulfill the time-consuming responsibilities to complete the documentation for the increasing number of students who require individual education plans.

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Another area of funding shortfall is support for English-language learners. There is no direct accountability for school boards to actually spend their second-language grants on the intended programs. The latest data from People for Education surveys indicate that 23% of English-language elementary schools with 10 or more ELL students do not have an ESL teacher. All too often, the overall shortfalls in the funding formula have led to school boards using their second-language grants for other purposes. This shortchanges, obviously, ELL students. As Ontario prepares to welcome an estimated 10,000 Syrian refugees this year, many of them children, school boards need to have the necessary language programs in place.

Full-day kindergarten is a significant provincial education initiative. Preliminary Ontario-based research suggests that this investment is already producing strong results in terms of students' reading and writing abilities, the complexity of their drawings, social confidence and problem-solving skills. To optimize the potential of the full-day kindergarten program, the Ministry of Education needs to address issues identified by front-line educators and Ontario researchers monitoring the program. These issues include class size and physical space, professional learning to support the teacher and designated early childhood educator team, preparation time for the designated early childhood educator, and deeper systemic support for the inquiry/play-based learning philosophy underlining the program.

Although the kindergarten program is funded to have an average class size of 26, there are a considerable number of classes with 30 or more students. In April 2014, the Ministry of Education reported that 640 FDK

classes had more than 30 students. ETFO members consistently raise concerns about the challenge of setting up activity-based programs for that many young children in limited space.

Class size is another key issue that needs to be addressed in elementary schools. Like full-day kindergarten, the investment in smaller primary class sizes reflects the importance of focusing on early-years education in order to promote student success and to achieve long-term savings. Based on the research, we should be protecting our smaller classes at the primary level and moving to reduce them in grades 4 to 8 as well.

Class sizes in grades 4 to 8 are the largest in the K to 12 system. There is absolutely no reason, no rationale, for this difference. Lowering class sizes in these grades would provide teachers with greater opportunities to develop strategies and interventions tailored to the learning needs of each student.

All of the issues I've addressed—more resources for students with special needs, more investment in full-day kindergarten and smaller class sizes—were raised during our recent round of bargaining. We were pressed to raise the issues in the bargaining forum because the government has failed to address them through the provincial budget and expenditure plan. The budget process is really the most appropriate forum for addressing these important classroom issues. I urge this committee to support our positions.

I've been speaking primarily to where the government needs to assign greater funding to elementary classrooms. I'd like to draw your attention to our long-standing recommendation regarding funding efficiencies in the education sector. We believe the government could find savings from the \$36-million budget of the EQAO—

The Chair (Ms. Soo Wong): Mr. Hammond, can you please wrap up so we can start this round of questioning?

Mr. Sam Hammond: Absolutely. You could save that \$36 million through moving to random sample testing, which is used by international programs that we all point to.

I want to refer to our 18 recommendations that we've provided you in our submission. I'd be very happy to answer questions.

The Chair (Ms. Soo Wong): Okay. Thank you very much. I'm going to turn to Ms. Fife to begin this round of questioning.

Ms. Catherine Fife: Thank you very much for being here and for raising some very relevant, current and also long-standing issues in the education system.

Thank you for raising the issue around full-day kindergarten. The research and the evidence is very sound, but not when it's watered down. Your message on maintaining those ratios in our FDK classes to make them safer and to make them not just more efficient but more effective is very good advice for us.

The special education is a long-standing issue. That 17% deserves special education funding and is not necessarily getting that. Inclusion needs to be funded, and your message on that has been consistent over the years.

Class size, though, is the political football that this government likes to talk about but not necessarily fund. I just would like to give you an opportunity to respond to those who challenge the research claims—that the value and the benefits of investing in smaller classes diminish in later grades. That's what is out there; that's the rhetoric on this issue. Can you set the record straight on this, please?

Mr. Sam Hammond: Yes, thanks very much for the question. It's the first time I've actually needed 25 minutes to submit.

It's usually right-wing think tanks out of the United States that are saying that class size doesn't matter. I would say that there are two groups that, if you simply talk to them, you'll understand very clearly the importance of class size. That's parents and that's our members on the ground—teachers, ECEs, DECEs, ESPs and PSPs—who have consistently told us and the government—and we absolutely agree—that smaller class sizes make a difference. In fact, the Liberal government agreed with us by reducing class sizes in grades 1 through 3, which we were very appreciative of.

If you look at research coming out of the National Education Policy Center in the United States—and it's in our submission—they very much support our position and point to all of the benefits around smaller class sizes.

In fact, perhaps one of the reasons it diminishes in higher grades is because of the size of our classes in grades 4 through 8, and the inability, because of those class sizes, for our members—they do a great job, a professional job, day in and day out, but lack the time and the resources—in addition to that class size—to individually assist students in a way that benefits each and every student in that classroom. The increasing class sizes in grades 4 to 8 are extremely problematic in that regard.

Ms. Catherine Fife: Thank you. Also, thanks for raising the issue around Syrian refugees, because the fact that school boards are not required to hold that money, that ESL and ELL money, for those students is going to be a major factor going forward. It already is; it has been emerging for a number of years. But thank you for raising that.

On the EQAO, though, I must ask—because you do make a recommendation to move to a random sample model of student testing. We had also proposed this in the past. What is the pushback on this? Because the EQAO experiment has run its course, and it's costly. In times when there is not enough money for ESL and ELL, and there are 16,000 students on an autism wait-list, there are other places to invest that funding. Can you give us some sense as to the pushback around random sample testing?

Mr. Sam Hammond: What I would say is that, over a decade later, we should be reviewing all of these things. It's time for us to do what is in the best interests of students across the province. If we're looking at a deficit, looking at efficiencies, as we've highlighted in our submission and in my brief to the committee, there's a

very good example of moving to random sample testing that could save approximately \$36 million. As I said, our international tests that we all point to, and that are on the front page of the *Toronto Star*, are all random testing. We think it's a win-win for everyone, if you will, to use a phrase, in terms of the efficiency, in terms of the reduction to overall cost, and to students and our members.

Ms. Catherine Fife: Thank you, and thanks also for raising the issue of poverty reduction. There was a lawyer in Hamilton who said that there are enough kids using food banks in Hamilton alone to fill 270 classrooms. Because there is so much transition around housing, that obviously impacts the academic performance of students. ETFO has been consistent in asking this government to invest strategically in poverty reduction, not just press releases. So I want to thank you for that. Thanks for being here today.

Mr. Sam Hammond: Thanks.

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you very much for your presentation.

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ONTARIO PHARMACISTS ASSOCIATION

The Vice-Chair (Mr. Peter Z. Milczyn): Our next witness is the Ontario Pharmacists Association. Good morning. You have 10 minutes for your presentation, following which you will have questions from the government party. As you start your presentation, if you could please state your name for the official record.

Mr. Dennis Darby: Yes. Thank you, Mr. Chair, and good morning, members of the committee. I'm Dennis Darby. I'm the CEO of the Ontario Pharmacists Association. To my right is Mr. Sean Simpson. He's the chair of our board.

It's a pleasure to present to the committee on behalf of the more than 9,000 pharmacists, pharmacy students and pharmacy technicians who are members of the Ontario Pharmacists Association, as well as our board of directors and staff.

We have submitted our remarks as well as some background information on the profession and some of our policy priorities for your consideration today.

Before we get into the substance of our remarks, I want to emphasize that the Ontario Pharmacists Association represents the profession of pharmacy. Our members are employed as staff pharmacists, as independent owner-operators of pharmacies, as hospital pharmacists, pharmacists in family health teams, pharmacy technicians, and more. We represent those who work both in and outside of clinical settings.

Our student members, at the University of Waterloo and the University of Toronto, represent the next generation of pharmacists and professionals, and they will be providing the care and driving the innovation, in the years to come, that those of us in the room are going to need.

While the economics of pharmacy are very important to us, we must view and consider the impact of govern-

ment programs and funding through several lenses in order to ensure that they reflect the needs of our patients as well as our member groups. I want to emphasize that patient care is the first and foremost priority for pharmacists in Ontario. However, this is a budget exercise, and we'll focus on budgetary matters.

You are well aware of the sustainability challenge facing our medicare system: how the Ministry of Health and Long-Term Care's budget consumes around \$51 billion annually, and the challenges facing our health care workers in the system when it comes to delivering the goal of providing accessible, affordable, patient-centred care to all Ontarians. You're also aware of the various reforms that this government and previous governments have undertaken in an effort to control costs without compromising quality or access to care.

What might be less known to members of this committee, especially to its newer members, is that pharmacies and pharmacists have already borne the brunt of significant funding reforms three times in the last decade. Funding and policy changes implemented by the McGuinty government in 2006 and again in 2010 not only affected funding levels but actually changed the business model for the distribution, dispensing and reimbursement of pharmaceuticals in this province. Just last year, the current government's budget reduced funding to Ontario's public drug program by \$150 million a year.

These three sets of reforms—in 2006, 2010 and 2015—have not been the only major changes to pharmacy funding in Ontario. Along the way, Canada's provincial Ministers of Health joined together, through the Council of the Federation, to reduce generic drug prices more than once. These have also had effects on the profession and how pharmacists practise.

Sean?

Mr. Sean Simpson: For context, members should know that 50% of prescriptions filled in this province fall under the Ontario public drug program. Half of the dispensing activity in Ontario pharmacies is for seniors, people with disabilities and people on social assistance. So when the government makes changes to the public drug program, these changes are felt by pharmacies and pharmacists alike.

The net effect is that our staff pharmacist members have experienced downward pressure on wages, reduced hiring, and less staffing and support to provide the level of patient care that the public deserves. Our independent pharmacy owners have had to change their business models. In many cases, local independent stores have closed.

The Ontario Pharmacists Association recognizes that high-cost drugs and pharmacy dispensing fees are easy targets for cuts. However, I would ask you to ask yourselves: What other product can you buy where the retailer's markup is 8% or even 6%? The answer is simply, "Not many." But that is the markup on provincially funded drugs in Ontario.

By the way, the Ontario public drug program pays pharmacies \$6.83 for the majority of prescriptions that it

reimburses pharmacies for. From that markup and reimbursement, pharmacies must pay distribution, staff salaries and all their overhead costs. So when governments take the simplistic approach of reducing dispensing fees and cutting drug prices, pharmacies feel it as business owners and pharmacists feel it as professionals trying to deliver the care that they are trained to provide and that the health care system expects.

The Ontario Pharmacists Association and our members recognize that Ontario has a fiscal problem. We're not here to advocate for increases. We're here to tell you that when it comes to helping the province find health care system savings, pharmacists and pharmacies have done our part more than once. It is our recommendation that, as the province seeks to balance its budget, policy-makers look elsewhere for savings. Consider this profession as one in which to invest to provide better care for patients.

It hasn't all been bad news for pharmacy. The 2015 Ontario budget highlighted the government's intention to move forward with further enhancing pharmacists' scope of practice by building on the very popular flu shot program and allowing our members to administer travel and possibly other vaccines. The Ontario Pharmacists Association has been working with the Ministry of Health and Long-Term Care in an effort to bring that change to fruition, and we look forward to an announcement very soon. We do not expect there to be funding attached to a travel vaccine program, but we would welcome it as it would help bring Ontario pharmacists more in line with what pharmacists in other provinces are doing and would allow us to provide safe, convenient alternatives for our patients looking for this type of care.

We also look forward to the day when Ontario pharmacists have the authority to administer a common ailments program or to offer therapeutic substitution to patients and provide other professional services that are already available and well used in other provinces. Enabling pharmacists and other allied health professionals to expand their scope of practice creates greater capacity elsewhere in the system, improves access, and is a safe, cost-effective alternative to physicians' offices and emergency room visits.

Additionally, enhancing pharmacists' scope of practice and expanding the flu shot and travel vaccine programs helps keep patients out of hospitals—one of the biggest expenses in our health care system by far. The association has provided costing information for some of these programs to the government in the past, and there continue to be real savings to be had by expanding the scope of practice for pharmacists.

In closing, I want to thank the committee for the opportunity to address you today. Pharmacists have much to contribute to the people and the health care system in this province. With the proper regulatory and funding framework from policy-makers here at Queen's Park, Ontario's pharmacists can deliver quality, patient-centred care in a way that supports the province's health care goals.

We would be happy to answer any questions.

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you very much. Ms. Vernile has questions for you.

Ms. Daiene Vernile: Thank you very much, gentlemen, and thank you for coming to Queen's Park today to share your information with us. First of all, I'd like to say that I want to thank you and all of the people who work in your sector to keep Ontarians healthy. Our top priority is to help people in this province to have better and faster access to the right kind of care.

You've heard that our Minister of Health and Long-Term Care, Dr. Eric Hoskins, is very concerned about creating a national pharmacare program. I'd like to get your thoughts on that. How would that impact your sector?

Mr. Dennis Darby: I'll answer first and then Sean can fill in. First of all, pharmacists support the idea of accessibility of medications for all patients. Pharmacists know first-hand in their practice people who can't afford to take their medications. If they can't comply and they can't use their medications, then they don't get better. So a system that would provide fairer access would be something that pharmacists could support—access to everyone depending on their income rather than on their age, which is the current system.

We also think that patients should have access to the same level of pharmacy services, pharmacists' scope of practice, and the same drugs across the country.

The idea of creating something that's fairer and more accessible, and also provides equivalent care both in terms of what the pharmacist can do and what kind of medications they receive, is something that our association would support.

Ms. Daiene Vernile: Our government has worked with you to help you expand your scope of practice. I know that that's very important to you. You mentioned administering the flu vaccine but also prescribing smoking cessation medication and renewing prescriptions independently from a doctor. I think that these are important initiatives.

A small piece of trivia for you: I'm the MPP for Kitchener Centre, and the very first pharmacist in Ontario trained to deliver the flu vaccine was in my riding. I received my flu shot from him a couple of years ago. I think that's a wonderful initiative.

Are there other things that you would like to add to the list in expanding your scope of practice?

Mr. Sean Simpson: Thank you very much. Front and centre, as part of our submission, we referenced the ability to treat minor ailments, which are programs that rolled out in most other provinces across Canada and the United Kingdom. We feel that this type of program would help Ontario pharmacists to ease the burden on walk-in clinics and emergency rooms for minor conditions that pharmacists are well-trained and quite capable of treating, not to mention that this is something that would be quite convenient for patients in an effort to access the care that they need.

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Ms. Daiene Vernile: You touched on allowing Ontarians the ability to go into a pharmacy and to get their

travel vaccines there. I can tell you that in my previous career as a news journalist, I've had the opportunity to travel to various parts of the world such as Central America, Africa and Southeast Asia. On those occasions, I had to go to a special travel clinic and get a whole bunch of needles. It would have been more convenient to go to the pharmacy.

What will it mean for your industry if you are able to do this, to administer these travel vaccines?

Mr. Sean Simpson: I think that's an excellent point. For our industry I think it provides the opportunity to close the loops on care. If anybody has travelled recently or tried to access certain vaccines—for example, a Twinrix vaccination—the process as it would go right now would be that you would get a prescription, bring it to the pharmacy, be told to come back and pick it up, bring a cooler pack, take it back to your physician's office, go over there, get an appointment and make sure you keep it cold and on time.

I think for one it helps our industry to close that gap on care and ensure that compliance with treatment regimens on those vaccinations. If somebody has to go through that cycle three times, we quite often see people do the first vaccination, and the second and third typically don't get completed.

I think for our industry, for one, it allows us to provide a better level of care. I think there is potential for financial benefits for our industry through that as well, but I think the most important thing for all of us is that we're able to provide a better standard of care for our patients.

Ms. Daiene Vernile: And you know your patients. You have a relationship with them.

Mr. Sean Simpson: Absolutely, we do. We know them by name; we see them on the street.

Ms. Daiene Vernile: I think it's going to bring more convenience, too. Thank you very much for your presentation today.

Mr. Sean Simpson: Thank you.

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you.

CENTRAL 1 CREDIT UNION

The Vice-Chair (Mr. Peter Z. Milczyn): We're running slightly ahead of schedule, which is not a bad thing. Our next witness is Central 1 Credit Union. Good morning. You have 10 minutes for your presentation, followed by five minutes of questioning by the official opposition. As you begin, if you could please state your name for the record.

Ms. Megan McIver: I'm Megan McIver. I'm the regional director for Central 1 Credit Union.

Mr. Ralph Luimes: My name is Ralph Luimes. I'm the vice-president of government relations and governance for Libro Credit Union.

Ms. Megan McIver: Thank you, Mr. Vice-Chair, and thank you, committee members, for having us here today. My apologies, as I've been struggling with a bit of a sore throat, but I will try to speak as clearly as possible.

I am Megan McIver, and I'm the government relations regional director for Central 1, which is the trade association that represents 80 member credit unions and their 1.3 million members. I'm also joined by Ralph Luimes, VP of government relations at Libro Credit Union, one of Ontario's largest credit unions, with 31 branches in 25 communities across southwestern Ontario.

We're here today because Ontario credit unions are in a unique position to help grow the economy and create jobs. Our focus is local prosperity, and our goal is to improve the financial well-being of families, local businesses, farms and not-for-profits, as well as investing in talent and resources in the local communities where every credit union stakeholder lives and works.

While other financial institutions focus on providing profits to shareholders, credit unions' purpose is to provide service to members. Credit unions are owned and governed by our members, by the people who have decided that a co-operative business model will generate greater mutual success in everyone's interest.

Credit unions as a whole are a large and growing player in Ontario's economy. You may have heard these stats more than once during your consultations, but at the end of November 2015, Ontario credit unions that are class-A members of Central 1 had total outstanding loans of \$34.1 billion; \$20.8 billion in residential mortgages; \$9.8 billion in commercial mortgages and loans; \$1.4 billion in agricultural loans; \$32.3 billion in total deposits; \$5 million in donations and sponsorships; and \$300,000 in scholarships and bursaries. And we're growing every day.

As you know, this is an important year for credit unions. The legislation that regulates us has been reviewed and the mandates of our regulators, the Financial Services Commission of Ontario and the Deposit Insurance Corp. of Ontario, are being reviewed at the same time. We look forward to seeing those results and continuing to play an important role in that process.

Our policy submissions to the current government have encouraged Ontario money to be reinvested back into Ontario. That's what we do, and we pride ourselves on the diversity of our system and serving our members with different needs.

Financial services face global competition for investment and talent. To continue on a path of growth benefiting businesses and families in Ontario, credit unions will need to explore new ways of differentiating ourselves and capitalizing on opportunities in order to have a sizable impact in the community going forward.

The credit union system is at a bit of a crossroads. I want to take a moment to reiterate a few opportunities that are of particular interest to us.

First, credit unions pay premiums on deposit insurance, and the cost of the premiums, much like your own car and home insurance, is tied to the amount of coverage you have. Presently, the insurance premiums in Ontario are based on \$100,000 worth of coverage per member. That's the lowest rate for credit unions in North America. New Brunswick, Nova Scotia, and Newfound-

land and Labrador each have a \$250,000 limit, while every other province west of Ontario has unlimited deposit insurance for credit unions.

Banks also have \$100,000 of coverage, but that's based on per-account with each subsidiary, meaning that banks can double- and triple-up on insurance. Banks also operate extraprovincially, meaning there's no guarantee that money will stay in the province.

We believe that raising the level of deposit insurance to \$250,000 per member would encourage more deposits to be kept in Ontario with local institutions and level our competitive playing field.

Second, we think it makes good sense for municipalities, universities, schools and hospitals to keep deposits with local financial institutions. Right now, they can't. We believe there is a compelling rationale for a differential, higher rate of deposit insurance on those funds.

Third, we wish to applaud the government for not raising the provincial tax rate on credit unions, as was done by the federal government in 2014. Today, I want to strongly encourage that you maintain our present tax rate. Because we are capitalized differently than banks, we estimate that if the provincial tax rate were increased, it would result in a decrease of \$266 million in loans to households and small businesses in Ontario. These loans often mean money reinvested back into the local economy.

Our time is short today, so I will leave it at that. The credit union difference is all about service to our members and to our community. This means driving community and economic impact, as well as pioneering innovative approaches to banking. With these changes outlined today, credit unions will be better positioned to work together to build greater awareness of the co-operative values and unique differences that make us an integral part of Ontario's economy.

I will now turn it over to my colleague, Ralph.

The Vice-Chair (Mr. Peter Z. Milczyn): Sorry. That actually was your 10 minutes already.

Ms. Megan McIver: Oh, okay.

The Vice-Chair (Mr. Peter Z. Milczyn): I'll pass it over to questions. Ms. Munro.

Mrs. Julia Munro: Thank you for coming. I think it's really important that you come and make a submission, because there are some unique qualities in the structure of a credit union and they have to be recognized, obviously, in legislation.

I was going to ask you: Many of our deputants have made reference to the Ontario pension plan and how they might be impacted by that. I wondered if you had any comments to make on that, as obviously it would be a big shift in the mandatory obligations that employers and employees would have.

Mr. Ralph Luimes: It's our experience at Libro that businesses generally across the country, but certainly in Ontario as well, are experiencing some challenge with the roller-coaster economy. In order to survive that and deal with the various unknowns that may occur from time

to time, cost management is very tight, and efficiency is the primary focus for their operations.

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We support, therefore, a simple model where the CPP would be expanded to meet the needs of the provinces and country, and encourage that. We support the position that the chamber has advocated along those lines.

Mrs. Julia Munro: Yes, thank you. That was going to be my next question. Do you see yourself in the same position as the chambers of commerce?

Mr. Ralph Luimes: Very much.

Mrs. Julia Munro: Yes. Thank you. We hear so much about the influence of having China as a world player in the economy, and local businesses having a lot of struggle in their specific areas. As a credit union, how do you absorb the kind of pushback and challenge that comes from the retail industry, for instance, or manufacturing, both of which have been very heavily impacted by a number of things beyond their control?

Ms. Megan McIver: I want to answer this one really carefully. In our consultation paper, we talk about our prescribed subsidiaries—

Mrs. Julia Munro: I'm sorry, your prescribed what?

Ms. Megan McIver: Subsidiary ownership, what we're allowed to own and not.

Mrs. Julia Munro: Okay.

Ms. Megan McIver: We are substantially harmonized with the types of subsidiaries banks are permitted to own in the Bank Act. We would suggest that this list of prescribed subsidiaries for credit unions be fully harmonized.

In particular, credit unions could be permitted to acquire control of an entity operating a business of an insurance agency the same way that banks are permitted. That helps us to grow our revenue in a meaningful way and, ultimately, our capital base so that we can in turn absorb any shocks like that; or play a meaningful role in helping the government, for example, tackle issues like payday lending. Those things are higher risk for us. As you can imagine, there is not a huge margin on a two-week loan, but it's an interest of ours and something that we hope to play a meaningful role in. We can't do that, though, if we can't have an opportunity to grow our capital base.

Mrs. Julia Munro: I appreciate the answer. Thank you.

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you for your questions.

Thanks for your presentation today, and thanks for your written submission as well.

Ms. Megan McIver: Thank you very much.

ONTARIO FEDERATION OF LABOUR

The Vice-Chair (Mr. Peter Z. Milczyn): Our next delegation is from the Ontario Federation of Labour. Good morning, gentlemen.

Mr. Chris Buckley: Good morning. How are you?

The Vice-Chair (Mr. Peter Z. Milczyn): You have 10 minutes for your presentation—

Mr. Chris Buckley: Ten?

The Vice-Chair (Mr. Peter Z. Milczyn): Ten.

Mr. Chris Buckley: I was told 30.

The Vice-Chair (Mr. Peter Z. Milczyn): Thirty?

Mr. Chris Buckley: Someone fibbed.

The Vice-Chair (Mr. Peter Z. Milczyn): Well, you'll have to negotiate that with somebody else. Ten minutes, following which there will be five minutes of questions—in your case, from the third party. As you begin your presentation, if you could please state your name for the official record.

Mr. Chris Buckley: Absolutely. First of all, thank you for the opportunity to be here today. My name is Chris Buckley. I'm the president of the Ontario Federation of Labour. To my right is Rob Halpin, who is the director of the Ontario Federation of Labour's research and education department. In fact, Rob is responsible for putting the document together that you should have a copy of right now. Might I say he did a fantastic job doing so.

Before I get into my comments, I have one comment. I just want to say that I'm looking forward, as we go through the next year or so, to having the opportunity to modernize the Ontario Employment Standards Act and the Labour Relations Act. I know that it's going to be quite challenging for everybody as we go forward, but it's long overdue. I'm looking forward to the opportunity to move the yardstick ahead for all workers across the province.

Today, we have 30 recommendations within our submission. I'd like to focus on five recommendations that, in our opinion, are attainable and will make a real difference across the province, starting with number 9 in the booklet you have, and what is referred to as the anti-racism secretariat.

We must make the labour market more equitable for indigenous people, Ontarians with disabilities, members of racial minorities, LGBTQ communities and women. These groups of Ontarians are faced with barriers. They face discrimination in finding employment; they also struggle in retaining employment, and career advancements. As a result, they are overrepresented in those areas of employment that provide low pay and low chance for advancement. Yet some provinces, like Ontario, have abandoned their employment equity legislation.

Racial exclusion is rooted in structures and systems that appear to be race-neutral but exclude or discriminate against people of colour. Ontario must lead the charge to ensure that employment equity is once again a priority for all employers and at all levels of government.

Our recommendation is to ensure that the anti-racism secretariat outlined in the Human Rights Code Amendment Act is assigned adequate resources, and that the mandate to advance racial justice is—I'm sorry, I can't pronounce it.

Mr. Rob Halpin: Prerequisite.

Mr. Chris Buckley: —a prerequisite throughout Ontario.

Number 25 in booklet is to halt the sale of Hydro One, which has got a lot of attention. The Ontario Liberal government was not elected on a mandate to dismantle public assets by privatizing Ontario's electric utility, Hydro One. Any further planned sell-off must be halted.

For Nova Scotia, which privatized their electricity system in 1992, the outcome was bleak, as they now have the highest rates in Canada.

In the fall of 2015, the Financial Accountability Office—the FAO—of the Ontario Legislature released a report that warned that the sale of Hydro One was not only going to generate less money than estimated, but the sale would likely add to the provincial debt. Specifically, the FAO noted, "In years following the sale of 60% of Hydro One, the province's budget balance would be worse than it would have been without the sale."

Our recommendation would be to stop the further sale of Hydro One. Our recommendation is to commit to investing in Ontario's future by supporting strong public services.

Then we move to recommendation number 27 in our submission, about greening the economy, and cap-and-trade.

The scientific consensus is quite clear: We have to substantially reduce our carbon emissions by the latter half of this century. Any carbon pricing system or program must contribute meaningfully toward the province's target of reducing emissions to 15% below 1990 levels by 2020.

The government of Ontario must ensure that low- and middle-income families of Ontario are not thrown under the bus and asked to contribute more than some of the largest environmental offenders, which are large corporations.

Our recommendations will be:

- to ensure that the details of the cap-and-trade system provide protection to low- and middle-income families of Ontario;

- to make transparent the details that will apply to corporations, and guarantee that they will be required to contribute their fair share and at the same time as households, to truly confront climate change; and

- to divert any revenue generated from the program away from deficit reduction or from being hidden in the general revenues, and to commit to reinvesting the funds toward build a greener economy by providing the green jobs required to truly tackle climate change.

Our next recommendation would be number 17, on the migrant workers' bill of rights.

Measures proposed by the governing Liberals in Bill 146, the Stronger Workplaces for a Stronger Economy Act, introduced in December 2013, are positive steps in the right direction, but more robust protections are needed for vulnerable workers across the province. We must ensure that migrant workers are not forced to cope with excessive or illegal recruitment fees, substandard housing, unsafe working conditions or unpaid wages.

We propose to prohibit recruiters and employers from charging or passing on recruitment fees to all migrant workers by expanding the Employment Protection for Foreign Nationals Act. However, the effectiveness of this legislation will be limited because it relies on employee complaints rather than proactive enforcement.

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In 2013, the OFL launched a proposal for a migrant workers bill of rights. To date, we have yet to see real, concrete action on our request. Our recommendation would be to establish a registration and licensing system for migrant worker employers and recruiters to provide the oversight and data needed for a proactive enforcement.

That turns us to recommendation 18, a labour market partners forum. Ontario must turn the corner on job creation and economic growth. Implementing the best public policy requires open dialogue between government, academics, industry and workers in order to meet modern challenges head-on and develop creative ways to overcome them. Without the best ideas and buy-in from stakeholders, Ontario's growth will be minimal.

A labour market partners forum made up of representatives from government, labour, businesses and academics must be established to address a wide range of economic and labour market challenges and to advise on public policy, particularly employment strategies. Our recommendation would be to establish a labour market partners forum for multi-stakeholders, consultation about job creation and training.

Out of the 30 recommendations you'll see within our submissions, those are five, in our opinion, that we presented here today that we believe are obtainable. If anybody has any technical questions, I will turn it over to Rob, who provided and put together this documentation. On behalf of the Ontario Federation of Labour, we truly appreciate the opportunity to present to you today.

The Chair (Ms. Soo Wong): Thank you very much, Mr. Buckley. I'm going to turn to Ms. Fife to begin this round of questioning.

Ms. Catherine Fife: Thank you both for coming in here today and sharing some very progressive ideas to address some of the inequities in the province of Ontario. And thank you, first and foremost, for ensuring that you're showing your support for the anti-racism secretariat.

Your specific ask is around adequate resources, so because this is the budget committee, I'd like to give you the opportunity to speak to how important those resources are in order to ensure that, if this secretariat is actually established by this government, it actually does what it says it's supposed to do. Rob, do you want to touch on that, please?

Mr. Rob Halpin: Please, yes, thank you. I think, to reiterate President Chris Buckley's point, it's extremely essential. Many provinces have done good work in ensuring that racism is addressed not only in the labour market but across the province in all its forms. I think, regardless of how good and well-funded an initiative is,

that it must be able to go out and be enforced as well. I'll leave it up to the knowledge of this committee to understand how much that will take, but clearly just paying it lip service is not working. We see this not only in the labour market, but clearly we see it when people take to the streets, for example, in initiatives like Black Lives Matter, right?

Ms. Catherine Fife: Absolutely.

Mr. Rob Halpin: It's extremely important to be enforced as well.

Ms. Catherine Fife: This government has a track record of not following through on the enforcement piece, right? So thank you for raising that.

The issue of Hydro One: We've heard across the province—this is our seventh day of hearings—that electricity prices are impacting potential investment and job creation strategies in the province of Ontario. Those are good jobs that we're missing out on. Do you want to talk a little bit about the impact of if we go down this road? You've asked this government—as many other labour groups and the business sector have asked—to halt the sale of Hydro One. Do you want to talk about the privatization of hydro and the impact it will have on all jobs across the province? Chris?

Mr. Chris Buckley: I will jump in. Listen, I'm not going to mislead anybody. I'm not the expert, but I can tell you one thing for sure: If we're doing anything that's going to discourage job growth in this province and investment in this province, I would ask that everybody take a serious look at it.

I've represented workers my entire life at a number of different levels. I've seen—and so have all of you in this room—that we have suffered enormous job losses for far too long in the province of Ontario, some of which are not within our control, and some of which are in our control. I'm not pointing the finger at anybody here right now. I think that collectively, between government, labour and everybody else, we need to put our heads together to ensure that we're not doing anything to make it easy for employers to walk away from this province or make it easy for employers to say, "Your hydro is too expensive; we're not going to create jobs," because that's what they're going to do. Look at the job loss we've experienced. And I'm not speaking from my notes; I'm speaking from my heart. I've experienced it. I've lived it.

Before I became the president of the Ontario Federation of Labour, I was elected for 27 years in my hometown of Oshawa in Local 222, representing auto workers and auto parts workers, and seeing nothing but devastation and despair. I'm grateful, as a former representative of auto workers, for the government aid in the auto prices. It was absolutely necessary.

But mark my words: Large corporations like General Motors, who have not invested a penny back in this country—or very little, I might add, a little bit of investment in Ingersoll, which we're grateful for. But in the city of Oshawa, specifically, when I started there on November 3, 1983, there were 23,000 members in that assembly plant. Today, there are about 2,600. Guess what

General Motors is going to hang their hat on? They're going to be looking at workers to give up more, although workers have given up a ton, but they're also going to be saying, "It's too expensive for hydro." Other employers are already saying it.

I would ask you to revisit your position. We've seen enough job loss and despair. This is not the Ontario we want. We should collectively be putting our heads together and putting together a strategy that's going to do a number of things. Encourage companies to invest. Don't give them an excuse that hydro is too expensive. They have an obligation. Large corporations that have been around for decades, workers who have built this province and all of our communities that are suffering—don't give them an excuse to point the finger at lack of investment because of hydro. We need to seriously consider halting that. We need to come up with a plan for how we can give some people some hope and optimism.

Ms. Catherine Fife: One of those key things that draws investment is our social infrastructure. The cuts to education and health care in times of austerity, even though those times of austerity have been self-imposed, I can argue—those are poor investments. You've been very firm on ending the cuts to health care, so—

The Chair (Ms. Soo Wong): Okay, Ms. Fife, I'm sorry. I need to cut it off.

Ms. Catherine Fife: Okay. We'll talk later.

The Chair (Ms. Soo Wong): We're time-sensitive today. Anyway, thank you, gentlemen. Thank you for your presentation and your written submission.

Mr. Chris Buckley: Is my half-hour up already?

The Chair (Ms. Soo Wong): I'm so sorry. You know the drill. Thank you, Mr. Buckley, and to your colleague.

TTCRIDERS

The Chair (Ms. Soo Wong): The next presenter is the TTCriders. I believe it's Herman Rosenfeld and Dane Grgas. Good morning. Welcome down. Thank you very much.

Gentlemen, good morning. As you probably heard, you have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the government side. When you begin, can you please identify yourself for the purposes of Hansard?

Mr. Herman Rosenfeld: Okay. My name is Herman Rosenfeld. I'm a member of the campaigns committee, as is Dane, with an organization called TTCriders. First, I want to say thanks for allowing us to address this committee.

We're an organization of public transit users in Toronto, and we've been around for about six years. We stand for accessible transit. Accessibility, of course, can be defined in different ways, and we define it in all of those ways: an affordable and publicly owned, managed and maintained TTC.

We expect the following from the province for public transit in Toronto: Number one, to provide roughly half

of the operating subsidy of the TTC, which would equal a subsidy per rider of roughly between \$1.26 per ride to \$1.44. We also call on the city to raise the same amount. Those of you who come from the city, as representatives, know about these debates.

Mr. Dane Grgas: We're even asking the feds as well. We'll ask anybody.

Mr. Herman Rosenfeld: But between the city and the province, that would equal a subsidy of roughly \$2.50 per rider—actually, it would be more. The province used to provide almost half the operating subsidy until this was changed in the mid-1990s, and it hasn't been remedied since.

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This regular infusion of funds is necessary to cap and reduce fares for all; to bring in even lower fares for people on low incomes and social assistance, which is now a subject of study in the city of Toronto and the TTC; and to increase service to socially acceptable levels of accessibility. This is besides the capital investment and the contributions to building new accessible transit, such as the promised LRTs, the long-suffering Toronto-York Spadina extension, and others that have not been formulated or are constantly being reformulated.

We want current and new transit to remain publicly owned and managed, and not paid for by selling off other public resources to the private sector, and we want them paid for by progressive, effective and environmentally friendly forms of revenue tools as part of the provincial budget.

Why is this important, and why are we coming to the province from one city, the city of Toronto? Well, Toronto is a central economic hub not just of the province but of the country, and it's absolutely critical that public transit be up to snuff there. It's a fundamental way of addressing climate change through replacing individual car use with public transit.

You might have noticed, about 10 days ago in the Globe and Mail business section, that they described how 43% of carbon emissions come from transit. Now, obviously, they didn't say from where, and that might include airlines and that sort of stuff, but a lot of it is through cars.

The key role of public transit in getting people around: You want to have as many people as possible, from many different social classes, to be able to rely on public transit. But for certain people, particularly people in lower incomes, it's a key way of social life, maintaining life errands, all kinds of things. Then, of course, it has a central role in some of the issues that Chris was describing in terms of getting to work.

How can this be accomplished? Currently, the operations budget of the TTC is about \$1.7 billion—and yes, folks, that's the third-largest in North America. It's big. The city pays through fares; 70% of the operations are paid for through what they call the fare box ratio, which is by far the highest anywhere in North America and one of the highest in the world. Transit users pay an inordinate percentage of the operating costs.

The subsidy per rider is somewhere around 73 cents, which comes to around \$400 million, and that's supplemented by the \$90 million that comes through the gas tax from the province. The total subsidy comes out to around 90 cents per rider. That leaves the rest to be raised by fares. This year, the total TTC subsidy will probably be around \$490 million. That really isn't up to snuff, especially when you look at the role of the provincial component, which is very, very low.

The situation is not sustainable. It has led to constant increases in fares; service breakdowns; problems with the forms of transit that most people rely on in low-income neighbourhoods, i.e., buses; and terrible overcrowding at certain kinds of pinch-points in time.

The existing TTC infrastructure—the buses, streetcars and subways—are currently providing 555 million rides per year, which far exceeds the ridership of some of the new rapid-transit plans that are going to be brought in, but those are important and we're not here to put them down at all. Yet the TTC carries a state-of-good-repair and a maintenance backlog of \$2.7 billion, and it goes up. Those are capital costs, but that contributes to the breakdowns that we see there every time.

Why do we continuously have this? The era of austerity has led to a steady deterioration in public transit and other infrastructure, and it must end. Some of the new building in the last few years is based on recognizing this. The province wants to be a leader in transit, and challenging climate change, and social justice. This is a critical component.

What are some of our proposals, more concretely? Principally, we want the provincial budget to include funding for one half of the existing operational needs of the TTC, not including ongoing capital requirements. It should result in a subsidy per rider of somewhere between \$1.26 and \$1.44—and we're talking about 550 million rides—along with a comparable subsidy from the city, which would allow for fare reductions, service increases and a contribution to low-income fare reduction. This can be accomplished by increasing the provincial corporate tax, income taxes on high earners, and by giving a share to Toronto's transit needs—obviously, it would be shared in proportion to other cities—and increasing the gas tax and sharing the increases with Toronto and other municipalities. If you look at the amount of money that comes from the gas tax in other major cities in this country, it could be done and it could actually bring in about \$300 million per year.

Finally, a critical point is partnering with the city—not blaming the city for not properly using existing revenue tools, even if they deserve to be blamed—to be addressed in a principled manner. We're sort of tired of this “You draw first”; “No, you draw first,” from each level, using the refusal of the other level of government to ante up its fair share as an excuse to do nothing.

Public transit can never pay for itself. It's a public service that costs a lot of resources everywhere, all the time, and can only run properly with adequate funding from governments, hence the term “subsidy.”

The artificial conundrum that we hear as an annoying mantra is always, “Well, you have to trade off service and fares.” With an increase in fares, service must be sacrificed, as if this is somehow a zero-sum game between fares and services. It is not. We cannot trade off these issues. We need both service improvements and fare reductions, and the missing factor is funding from the city and particularly this province, which does very little around subsidies.

Final point, a point that the president of the OFL raised, and that is that the needs of public transit users in Toronto can't be addressed by selling off resources. Public transit must also be publicly owned, managed and maintained. It's the only way it will be responsible to the needs and requirements of the people who use it, and not profit-seeking investors, even if lots of people who do use it are profit-seeking investors. We want to encourage them to use it, and we want to have more resources for them to use it.

In particular, we want transit expansions or operations funded not by privatizing critical resources such as Hydro One to wealthy investors, but by public, democratically administered institutions.

Decisions about how to fund public transit can become separated from democratic control by elected governments when subjected to, and eventually subordinated to, the requirements of private markets. There's a long history as well of P3s in maintenance contracts. You might have seen what happened in London, where every single one of the P3s set up to maintain the London Underground and build new components of it ended up having to be undone because they cost too much and they were ineffective. Some of the corporations involved in that have been involved in some of the P3s here.

Thank you very much. If you have any questions—

The Chair (Ms. Soo Wong): Thank you very much, Mr. Rosenfeld. I'm going to turn to Ms. Albanese to start this round of questioning.

Mrs. Laura Albanese: Thank you very much for being here and for your presentation today. I have had contact, in my life as an MPP, with the TTCriders, especially when you were still advocating for the affordability of the Union Pearson Express, which I am on record as supporting.

But I want to say that I think you're doing the right thing by going to all levels of government, because without co-operation, we really can't get things done. I think it's important for all levels of government to co-operate, especially on something as important as transportation and moving people, whether it's in cities or whether it's in smaller towns.

I know that the TTC has committed to expediting the rollout of the Presto card, so that should be a co-operation between the TTC and the province. I do take note, and we will take back, your ask for operational funding for the TTC.

The province has been helping out with capital projects. There are, I think, seven different corridors of the GO that are planning more stops and all-day, two-

way GO service within the city of Toronto as well—and the Eglinton Crosstown—

Interjection.

Mrs. Laura Albanese: Yes, I'm coming to the question. I'm coming to a question, yes.

Mr. Dane Grgas: Thanks. I thought I'd speak through the Chair.

Mrs. Laura Albanese: No, no, you can speak to me.

Mr. Dane Grgas: Okay.

Mrs. Laura Albanese: The Eglinton Crosstown—I don't know if you know, but the province is picking up even the city's part on that. So we're trying to help through that, through the gas tax.

You're asking for an increase in the gas tax. Are you asking that only for the city of Toronto? Are you asking for—

Mr. Herman Rosenfeld: No, actually. There's a percentage that the city of Toronto gets, and that would be only fair. Public transit in other cities in Ontario, in fact, is mostly working-class people and poor people. Yes, there's a formula, which we have no problem with. The point is that there needs to be lots more, because, yes, there is building that's happening. Thank goodness, in the last few years, even though there have been tremendous hassles and fighting over what it's going to be like, there is a commitment to a certain kind of building, and we're happy with that. We're happy with the outcome. But the fact that that's happening is extremely important.

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The operation: For us, the critical point is that unless there is regular operations funding, aside from the capital funding—of course, we want more of that too—from the province, then the breakdowns will continue to happen.

Mr. Dane Grgas: Can I just cut in?

Mr. Herman Rosenfeld: Pardon me.

The accessibility continues to be problematic; it still remains. And we're not alone. A lot of the city councillors constantly make their pilgrimages here—at least they say they do—of making this demand, including the mayor.

Mrs. Laura Albanese: I want to give you the opportunity—

Mr. Dane Grgas: I just wanted to bring something up about Presto, in terms of trajectory. We've seen the trajectory from the province in operational funding go down and down. It has plateaued for a long time, but now it's going to go down even more because of Presto.

I was at a budget meeting the other day for the city of Toronto, and they have a line item of \$51 million as their Presto fee next year. So the rollover to Presto for the TTC is going to be a negative exercise and the city is budgeting \$51 million in a fund to make sure they've got that covered. We would like to see the trajectory at least remain the same. Yes, we'd like more, but can you stop taking what we already have? That's what the thing is here. Keep in mind that to let children ride for free on the TTC costs \$7 million. That \$51 million that is being taken is every year, every year, every year. When you want to put a net value on that, it's billions of dollars that

are being taken out of TTC operations. We just can't afford that anymore. Our pockets are picked.

Mrs. Laura Albanese: I get your point. I have my colleague who wants to ask a question.

Mr. Peter Z. Milczyn: It's very interesting, what you mention about Presto, because I was on the TTC commission when we negotiated the deal with Metrolinx—meaning the TTC. For the record, I just wanted to say that what was a \$300-million-plus project, which originally the province wanted the city or the TTC to pay fully—the arrangement that was arrived at was that the TTC/city would put in \$41 million, I believe it was. The entire balance of the capital work was picked up by the province, by Metrolinx, and the ongoing fee to Metrolinx is the equivalent cost savings that the TTC is going to see by not having to do the counting of cash and coins and the various operational savings.

Mr. Dane Grgas: Yes. I've heard about all the heavy trucks and stuff.

Mr. Peter Z. Milczyn: So it was a net zero to the city. Yes, there would be a fee to Metrolinx for the back office, but that was offset by the savings the city was going to see.

The Chair (Ms. Soo Wong): Okay, I'm going to stop you here, Mr. Milczyn. You know we're on strict time today.

Gentlemen, thank you so much.

Mr. Dane Grgas: Could I just make one rebuttal?

The Chair (Ms. Soo Wong): No. Thank you for your presentation. Before you go, you have until 5 p.m. today to do your written submission to the committee. Thank you for being here.

Mr. Herman Rosenfeld: Thank you very much.

HON. CHARLES SOUSA

The Chair (Ms. Soo Wong): We now have the minister joining us. You know I've been very strict about times. I just want to remind the committee that the minister will be presenting for 10 minutes. The two opposition parties will each have 11 minutes to do your presentations and ask the minister questions; that's your 11 minutes. Then the government side will do eight minutes.

Minister, welcome. Thank you for being here. You may begin any time.

Hon. Charles Sousa: Thank you, Madam Chair and fellow colleagues. Good afternoon. I appreciate the opportunity to be with you, and the invitation. I know it was an invitation I did; then you have responded with a request by the NDP for me to appear. I think that's a good idea, so I'm happy to be here.

I know that you've all travelled across the province to hear from mayors and associations and chambers of commerce, but more importantly from everyday people from across Ontario, many of whom have serious concerns, and what it is that they want us to put in this budget going forward for 2016.

I just want to first off acknowledge the tremendous work that all of you are doing and continue to do. I'd like to know and ask what you've been hearing throughout the course of your pre-budget consultations.

As you know, I've been holding consultations as well, and I want to make sure that we're receiving the full, wholesome degree of reports and information that we're obtaining. I'm happy to share some of mine as well. But I really would like to hear from you in order for us to appropriately represent the betterment of our great province. By hearing your concerns and discussing the future systems we want to see, together, I believe, we can create the best possible plan for the people of Ontario. As I said, I want to hear your ideas and receive your feedback so that we can work together to make the everyday lives of Ontarians easier.

Allow me now to update you with what I've been hearing throughout our own pre-budget consultations. I appreciate the work also by my Associate Minister of Finance, Mitzie Hunter, and of course our wonderful parliamentary assistant, Laura Albanese. This year, together, we visited over 12 cities and heard from more than 530 presenters.

We've also expanded our reach to social media. For the second year in a row now, the province has launched Budget Talks, an online consultation tool that makes it easier for the public to shape policies and programs that will help initiate and talk about their part in Ontario's future.

We've actually done some pretty important work with tele-town halls as well, which has helped shape the contents of this process, enabling us to put forward a budget that speaks to a lot of households—people at home who don't always get out or have the opportunity to be before SCFEA or respective budget consultations. This past week alone, Mitzie Hunter and Laura Albanese did tele-town halls that reached tens of thousands of participants, both in Ottawa and Toronto, and I was able to participate in some of that as well.

A great part of what we've heard is the need to ensure that we reduce congestion, to enable people to get to and from home more quickly and more safely, and to enable businesses to get their goods to market more quickly as well, to maintain competitiveness.

Associations—those that are fostering jobs and business investment, those in chambers and municipalities across Ontario, especially AMO—talk a lot about the need for us to make good on our investments of \$134 billion over the next 10 years, so that we can get on with those very critical projects: roads, bridges, public transit, hospitals and schools.

In fact, today I announced the second issue of our green bonds, an initiative which services specific projects approved by CICERO, so that we can foster projects that are also friendly to the environment, and it enables us to promote some of these projects, specifically transit and some of our buildings, to make them more effective going forward. We've launched over \$750 million as our second issue. That money has been dedicated to projects

like the regional express rail, the Eglinton Crosstown, Sheridan College, and Waypoint Centre for Mental Health Care in Penetanguishene.

In Ottawa, through the Canadian solar society in Peterborough, and in green communities across Canada, there have been a number of presentations about how important it is for us to take these steps to fight climate change as well.

We know that we must take action now, and it's why the strategies that we're bringing forward—and I know all of you have heard this, because you have all also made recommendations with respect to securing a healthier, cleaner, more prosperous low-carbon future, for transforming the way we live, move and work. Our government, like you, recognizes that Ontario's economy is evolving into a knowledge-based, innovative economy, so we need to look at ways to bolster our competitiveness. We must continue to foster more innovative and dynamic initiatives to improve not only our environmental climate but our business climate as well.

Organizations such as the Sault Ste. Marie Chamber of Commerce and the Kingston Economic Development Corp. are putting forth bold new strategies to make Ontario a world leader in smart manufacturing and the service economy.

For Ontario to be prosperous and an innovative economy, we must know that to strengthen and transform also means strengthening and transforming our post-secondary education to enable more students to enter university and colleges and to graduate, to put our young minds, at their best, to enable those skills to be available for the future economy—for the new manufacturing. Colleges Ontario and the College Student Alliance have let us know just how important these types of investments are for students.

Focusing on our economy, taking appropriate strategies to combat climate change, investing in our people and building critical infrastructure across the province is what we're doing today and what I think we should continue to do in the future. But part of that is to hear from you as to what some of those initiatives should be.

We must continue to invest in hospitals and in health care. We must continue to foster the investments necessary to make certain that patients get the appropriate care they need, in a sustainable and effective way. We must continue to invest in the calibre of our doctors, nurses and physicians, and the delivery systems that are important to all of us. Our universal health care system is critical and, as you all know, is the largest component of our budget, so we must get that right.

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Ontarians want a government that is sensitive to these needs—health care, education and social programs—but they also want us to be fiscally responsible in managing their money, and to be committed to balancing the budget by 2017-18, as we said we would. As you know, our government is moving forward with this path to balance the budget in 2017-18. The fiscal sustainability of the programs we cherish depends on this.

We're doing this in a fair and balanced way, and we're managing compensation costs, but I need to hear from you to determine the degree to which what we're doing is, in fact, balanced. We want to ensure that no one is left behind, that the services that we value are continuing to be invested upon and that we continue to provide the necessary means for the public to attain and have proper access to government to initiate those things. We must, again, modernize and provide for greater service delivery.

I believe all of us want to do this in a fair and balanced way. By reviewing all government programs to see where the appropriate transformations and end programs—for example, there may be some that just don't perform effectively, so we're going line-by-line to determine which programs can be modified, changed or enhanced. Those are some of the systems that are under way now.

I'd like very much to hear your summaries of what you've heard while travelling across the province. I'd like to understand and know when your submissions will be ready. I know there will be some draft submissions soon. What did Ontarians say to you about the place where we live and work? What is the government doing and where can we improve? I am certainly open-minded and receptive to making the appropriate changes, because after all, all of us have a shared responsibility to deliver the message and to get this out soon so that we can, appropriately, make the changes necessary for their betterment. Where can we invest to make everyday Ontarians' lives that much easier?

As I said, having been a member of this committee for a number of years, I truly appreciate the tremendous work you do in order for us to get it right. Thank you for having me here today over lunch—I'm not sure any of you are eating at this point. But the work you do is important and it helps shape the budget each year.

With that, Madam Chair, I'd be happy to take questions.

The Chair (Ms. Soo Wong): Thank you very much, Minister Sousa. I'm going to turn to Ms. Munro to begin this round.

Mrs. Julia Munro: Minister, I want to thank you for taking the time to come and present before the committee today. I have some information that I would like to share on behalf of my colleagues who took the time to sit and listen to all of the presenters from across the province. But first, I'd like to recognize and thank our finance critic, MPP Fedeli, and MPP Barrett, the PC member of this committee, for their dedicated work and for travelling with this committee. I would like to thank, as well, MPPs Clark, MacLeod, MacLaren, Walker and my—

Mrs. Gila Martow: Seatmate.

Mrs. Julia Munro:—seatmate today, Mrs. Martow, for their attendance and participation in the committee to listen to presenters from across the province at different locations. We heard from people in Hamilton, Windsor, Thunder Bay, Sault Ste. Marie and Ottawa. People from communities across the province came to those cities to address this committee. Through this committee, present-

ers thought they would be addressing you with their ideas and the committee's report.

Minister, because of recent news, I'm very disappointed. The Toronto Star is now reporting that the government will be releasing the budget in early March. We all know it takes a long time to prepare and translate the budget, so frankly, that means this year's budget is most likely finished.

Minister, with all due respect, it is clear you won't be considering any of the advice, tips or requests we have received from presenters during this committee. You won't be considering any of these presentations. As MPPs, we witnessed that people in our communities are often not interested in government or its policies. The general public is apathetic and cynical. No wonder: Here we have a process that should provide government with first-hand insights into the challenges people across the province are experiencing. This process allows MPPs to gain important insights—insights, Minister, that presenters have an expectation you will listen to. By the media reports, it appears you have turned your back on the people. You have displayed a complete lack of respect for meaningful consultation.

Minister, I'd like to read a quote from our finance critic: "It takes months to price out each component of a budget and many weeks to write the final document, translate it and print it, so we know that work is largely complete. With the pre-budget consultations still under way, this confirms the Liberal government had absolutely no intention of considering any of the ideas from the committee."

Mr. Fedeli added, "It's sad these costly hearings were a sham—simply an opportunity for the Liberals to make it appear they would listen to people throughout Ontario."

I'd also like to share with you a quote from MPP Barrett. The member from Haldimand-Norfolk and member of this committee travelled five days and was in attendance yesterday. He said, "So much for public consultation. The whole pre-budget consultations were a farce. Not only did it cost the taxpayer untold thousands of dollars to fly the finance committee members across the province, but individuals and groups spent thousands of dollars and invested valuable time into presentations that were meaningless."

Those are your colleagues, Minister. Those are your colleagues who had the privilege to meet hundreds of individuals across the province and hear their stories and hear their requests. Yet, because the government has forged ahead and drafted their budget, you won't be considering any of those presentations.

I'd like to ask Ms. Martow to continue.

Mrs. Gila Martow: In each and every city, the finance committee heard from health care workers and patients. They heard what effect this government's cuts will have on patient care. They not only heard from around the committee table, but they heard from the hundreds of people who showed up at each stop. They showed up and participated in a demonstration asking that these health care cuts stop.

In Windsor, the committee heard from the Windsor Regional Hospital, and we heard from many hospital workers outside at the demonstration. Our members heard that to cope with a \$20-million budget shortfall, Windsor Regional Hospital is eliminating 86 full-time jobs throughout the hospital's two campuses. They are firing 80 registered nurses and, in total, 120 nursing jobs are being eliminated. Because of this government's policies, the Windsor Regional Hospital CEO said electricity will cost an extra \$700,000 in 2016.

Beginning February 16, the North Bay Regional Health Centre will no longer draw blood or collect specimens for outpatients for tests that are not performed onsite. It's estimated that the change will affect 25% of outpatients.

In Samia, Bluewater Health is cutting 12 jobs as part of a \$5-million savings plan. Combined with inflation, Bluewater Health has lost \$13 million in funding since the formula changed in 2012.

This government is attacking health care to try and balance the budget. It is clear that per-taxpayer health care spending is being cut. With inadequate increases to address our aging population, our growing population, new treatments and new medications, it's clear that the amount of money per taxpayer that's being spent on health care is being drastically reduced. We keep hearing about global health care budgets, but we have to look at what's being spent per patient. We're seeing nurses being pitted against nurse practitioners and doctors being pitted against nurses. That does not benefit the patients of this province.

We heard today from the Canadian Beverage Association and the Retail Council of Canada about concerns with rising energy costs and your government's plans for ORPP. The presenters specifically asked for a proper public full disclosure of the effects of ORPP on our economy.

Today's headline in the National Post is, "Ontario Pension Plan Not About 'Helping' Retirees, but Financing Infrastructure." This government has wasted billions of taxpayer dollars on failed and mismanaged projects. These billions of dollars of taxpayer contributions were to be applied to health care and infrastructure. Instead, your colleagues wasted the funding and we are now seeing the impact. You are reducing the amount of funding per taxpayer in Ontario. You are searching for funding for infrastructure projects, and have latched onto a plan, as outlined in today's National Post, to raid taxpayers' retirement investments.

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Minister, your budget is already finished. Those are the rumours we're hearing. It will most likely be released before you receive this committee's report, and we have yet to hear from many presenters. Minister, I am disappointed that you do not value these consultations.

We are hearing from you that you are planning to balance the budget in 2017-18. When we hear from all of the presenters today about all of the needs of the province, I'm hopeful that we can do that. Thank you.

Hon. Charles Sousa: Do I respond, Madam Chair?

The Chair (Ms. Soo Wong): We still have a couple of minutes, so given your remarks—we have 11 minutes per opposition party, Minister. There are still four more minutes, so you can respond to the comments made.

Hon. Charles Sousa: I'd be happy to.

Mrs. Gila Martow: My colleague wants to—

Ms. Soo Wong: Ms. Martow?

Mrs. Gila Martow: Do you have anything else you want to add?

Mrs. Julia Munro: No.

The Chair (Ms. Soo Wong): Okay. I'm going to let the minister speak, then.

Hon. Charles Sousa: Certainly. I appreciate both your comments, Mrs. Munro and Mrs. Martow, MPPs, but I am here for the very purpose of trying to understand and hear from you what work has been done. You're making allegations. This is not about playing partisan politics. I'm trying to assess the degree of work that you have done to determine the consultations that you've made and reflect back in terms of informing us as to what to do for the budget.

I haven't completed the budget. We're in the process of proceeding to prepare the budget, certainly. In the past, the very members you cited have been critical of the fact that the government has taken too long to provide a budget. We want to make certain that it does reflect the work that's done by SCFEA, and that does inform us as to where we go next.

The budget will eventually be complete. It will be delivered in the Legislative Assembly of Ontario, not elsewhere. It's going to include the work that I've obtained from the consultations that we've had, all of us have had, keeping in mind that a lot of the work that you're doing has already been forwarded. I do look for your work and your report.

The fact of the matter is, I am here. I thought it appropriate for us to have this dialogue. This hasn't happened for 12 years. That is why I invited you all to join me in having an open discussion. Instead, I'm here as a request by the committee. I'm happy to be here and I'm happy to have this discussion. I believe the people of Ontario want us to. We have a shared responsibility in quickly divulging the work that you've done, for the benefit of the people of Ontario.

I'm encouraged by this discussion. I hear you loud and clear in terms of the points that you've made relative to health care. I recognize that when you talk about the Ontario pension plan, it's a misnomer. The money's in the funding; it's a savings program. The investments are held outside of government and they're managed—or would be managed—outside of government.

We are making historic investments, contrary to what you've just said. We are, in fact, investing heavily in our economy and in our infrastructure to make us competitive, to make us more prosperous and to enable our society to be better off in the future. Those things will be ongoing.

I welcome this discussion, and Madam Chair, I'm happy to take another question.

The Chair (Ms. Soo Wong): I'm going to need to stop you there, Minister. I'm going to turn to Ms. Fife for her 11 minutes of presentation and questions.

Ms. Catherine Fife: Thank you for being here, Minister, and for accepting the invitation. Your original invite was a meeting behind closed doors, and for us, this is the preferable option, to have this meeting in public.

As you have previously said, the pre-budget consultation process is important for highlighting the priorities of Ontarians. I know that I speak for the rest of the committee when I say that I hope you are looking forward to reading our report. A lot of time and energy goes into those reports. I want to thank research and legislative staff, because they're part of this entire process as well.

I hope that the budget will be informed by the voices of the citizens of this province in a meaningful way. It would be a shame if the budget were tabled before you incorporated the suggestions that the people of this province made in their submissions to this committee. That is a concern of ours.

The NDP believes that the voices of Ontarians are critical to the democratic process, to say nothing of the value that they can provide in ensuring that their government gets the fundamentals right. I can assure that on some key issues, there's a lot of room for improvement, based on the feedback that we've received from Ontarians.

Bearing in mind your interest in knowing what this committee heard as we travelled the province for pre-budget consultations, I would like to share with you what was on the minds of Ontarians. I'm going to be focused on three issues: energy, health and the economy.

In Windsor, we heard from the district labour council and, as they began their deputation, they said on the Hydro One sell-off, "Quite simply, that was not a campaign promise. We have not heard one citizen in the region that is" in favour of the sell-off. "It wasn't even good enough for Ernie Eves."

The executive director of Bioindustrial Innovation Canada said, "To be honest, there are a lot of companies that we talk to internationally that have an interest in being in Ontario, but as soon as they start developing the costing, electricity cost, they turn away."

Minister, we visited two cities in northern Ontario. These are some of the voices we heard in the north: The president of the Northwestern Ontario Associated Chambers of Commerce talked about the cost of electricity "impacting whether or not they choose to invest in or expand in our region.... Or stay, for that matter." When I asked if energy prices impacted their decision, he confirmed that it is a game-changer.

Minister, the problem of high electricity rates is neither exclusive to northern Ontario nor to businesses. If this government had listened to Ontarians, they would have heard that people from all over the province are having a hard enough time making ends meet without having to worry about skyrocketing electricity rates that will happen as a result of the sale of Hydro One, which was confirmed by the Financial Accountability Officer.

This includes our hospitals. The CEO of the Windsor Regional Hospital told us that their hospital's hydro costs increased by \$700,000 year over year, for a total of \$4.2 million. He said, "All funding for Windsor Regional Hospital and for hospitals across the province has been frozen for the past five years." He went on to say, "When the overall pie is frozen and the areas that are not growing in population are funding those areas that are growing in population, we can't continue; we can't sustain it."

We can't cut any more.

The Sault Area Hospital told us that their hydro bills have shot up 25% in the last four years, all in the face of budget freezes. They've been forced to make \$12 million in cuts; they're looking for another \$6 million in cuts, as we speak. Their vice-president and CFO told us, "My fear is that the things that we've done in the past are no longer achievable."

A doctor in Thunder Bay talked about the 23,000 people in the northwest region who have no family doctor and, in the northwest, we also learned—I think this is probably the more shocking stat—that the infant mortality rate is 20% higher than the rest of Ontario, Croatia or the United States.

In Windsor, the Chatham-Kent Health Coalition talked about the actual crisis that has arisen in hospitals in Ontario over a number of years due to downsizing, restructuring and the real dollar loss of funds for hospital funding.

In Hamilton, the head of surgical oncology at Juravinski cancer centre told us that "the government is failing to accept its responsibility to fund the" health system. That's a direct quote.

The Essex County Health Coalition said, "We need the cuts to stop, for the sake of our health and also for the health of our communities."

The interim CEO and president of the Thunder Bay Regional Health Sciences Centre said, "The academic health sciences centres of Ontario are grossly underfunded." He reminded us that at the Thunder Bay hospital, they open 31 beds every day that are completely unfunded by the ministry. The hospital is still in "almost continuous gridlock," according to the Thunder Bay Health Coalition.

On the economy: It's clearly not only our health care system that is suffering; it's the people of this province.

The director of the Hamilton Roundtable for Poverty Reduction pointed out, "Precarious employment affects approximately 44% of employees in the greater Toronto and Hamilton area." He went on to say, "Three quarters of everybody who's using a food bank are really receiving their main income source from the provincial government. In a very real sense, the provincial government is instituting hunger through its inability to fix the social assistance system." He implored this government to take action because there are enough kids using food banks in Hamilton alone to fill 270 classrooms.

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A lawyer from the Hamilton Community Legal Clinic said, "One of the most unfortunate tasks with" his "job is

that I often have to tell people who are in receipt of provincial social assistance that the best thing they can do is get evicted.”

Minister, this is a reality that you and your government can longer ignore. This government needs to start listening to people who are telling you to stop the cuts to health care and to education, to put the brakes on the fire sale of Hydro One and to begin investing in the creation of good, family-supporting jobs.

On the three issues, I do have three questions for you; because I think that if the budget does go ahead—and you haven’t been clear about whether or not it is going to go ahead prior to us submitting our report—I do think that we deserve some answers on the energy file, on health care and on the economy. I’m going to just give you the three questions, and then you can feel free to answer all of them.

On the energy file: In the 2015 fall economic statement, it showed that the same Hydro One proceeds were being used for deficit reduction, for paying down the hydro debt and for infrastructure, all at once. Why should Ontarians believe that the sale of Hydro One will do anything more than make your government’s books look slightly better on paper for a few years, until the next election?

On health care: Last year, at least 770 registered nurses were cut from Ontario’s hospitals, and countless more health care workers lost their jobs. The hospitals are telling us that another year of cuts will be devastating. Will you end the freeze on hospital funding and stop the cuts to patient care?

On the economy: Your government failed to meet its job creation goals in 2015. In April 2015, you said that there would be 78,000 new jobs for Ontarians; by November, you had slashed projections by 40%, to 46,000 new jobs. Now the latest numbers show that you still missed your target by 700 new jobs. What do you have to say to the thousands of Ontarians who are unemployed, underemployed and precariously employed under your government’s watch?

Those are my three questions, and I appreciate the time that you’ll take to answer them.

The Chair (Ms. Soo Wong): Minister, you have two minutes to respond to Ms. Fife’s questions.

Hon. Charles Sousa: All right. Well, I thank you for the wholesome work that you’ve done and your presentation. I also thank you for the invitation to be before you. I have been following your consultations closely; notwithstanding, we have been paying attention to many of the submissions you’ve made.

I’m sure that when it comes to the electricity issue and Hydro One, you’re also clarifying to your constituents that the Ontario Energy Board is the one that determines the value and the price of electricity; it is not Hydro One. As you well know, there are 72 distributors that compete with Hydro One in that forum, and I’m sure you’re advising your constituents of that.

I’m sure you’re also recognizing that the value of Hydro One was underperforming and now, it has much

greater value as a company, enabling us, as the majority holders of Hydro One, to have more funds to reinvest in investment projects that provide even greater returns to the province. That’s determined by third-party groups that say that we get \$1.30 back for every dollar invested in infrastructure, which is well beyond that of Hydro One. So the value has certainly increased.

The mitigation to costs, especially for northern communities, is necessary to address, and I appreciate your comments with respect to that. The amount of money that was received that you asked for: There was about \$4 billion, of which \$1 billion must be used to pay down the debt of Hydro One. The balance is being reinvested into the Trillium Trust for the purposes of enabling us to provide for funding of the projects that are so essential. That’s part of the electricity issue.

Of course, I’m sure you’re telling your constituents that we’ve invested heavily. Thirty new power plants were made, thousands of tracks of electricity and transmission were invested in order for us to have greater integrity of the grid, which enables us to have greater competitiveness long-term.

With regards to health care, it is critical; it is the largest part of our budget. I agree with you completely that we must continue to invest in hospitals, in more doctors, in nurses, in practitioners—and we have. The net effect is that we actually have more supports in our front line, and we must continue to do so.

I’ve heard, and all of you have heard, about palliative care, hospice and other transformation with regard to home care. These are essential for us to have sustainable health care, with the best people and best skills available to us. So we’ll continue to do that, and I look forward to ways that we can improve upon that.

When it comes to the economy and employment, the fact is, we have over 600,000 net new jobs. Last year, we had 100,000 new jobs that were full-time—

The Chair (Ms. Soo Wong): Minister, I’m going to stop here. I’m sorry; we are strict about the 11 minutes.

I’m going to the government side to start with Ms. Albanese.

Mrs. Laura Albanese: I just want to take a moment to thank you, Minister, for joining us today. I want to say that, as an all-party committee, I believe that we’ll have invaluable input and recommendations for you as to what we’ve heard from the people of Ontario, their priorities and their concerns.

As you know, we’ve travelled to six different cities, including Toronto, and we too were joined by some of our colleagues—Minister Oraziotti up in Sault Ste. Marie, and Minister Naqvi and Marie-France Lalonde, as well, in Ottawa.

We’ve heard about the positive effects that our government is having on people, business and community across the province, but we’ve also heard a number of ways that we could do better. As you know, as you previously mentioned, I’ve been participating in SCFEA, but also in the ministry consultations. I’ve attended a hearing in York region, and tomorrow I’m travelling to

London and then Kitchener-Waterloo to talk to more Ontarians.

I'm going to allow my colleagues to go first to hear what they've heard.

Ms. Daiene Vernile: Minister, thank you for being here today. I'm going to comment on business opportunities and infrastructure. We heard some very positive feedback regarding our investments in businesses and infrastructure. We heard from the Centre for Research and Innovation in the Bio-Economy, Resolute Forest Products and Bioindustrial Innovation Canada, just to name a few. These investments and partnerships that we are creating are producing thousands of jobs in Ontario, we were told.

We heard from Art Sinclair, who's with the Kitchener-Waterloo chamber of commerce. He came before us in the city of Hamilton, and he said in his publication—and this is a quote from him—"Ontario is poised to be among the faster-growing provincial economies in 2016," adding—and these are his words, Minister—that in his region, the economy is "smoking hot."

Now, in his region currently, there are about 2,000 jobs in manufacturing that need to be filled. We actually had a member of this committee try to characterize this as a negative, but I just heard from the head of the workforce planning board in that region this morning, who told me that it is actually a great opportunity that there are all these jobs in manufacturing. She is working very actively with businesses and educational institutions in her region to address this labour market need. By the way, Art Sinclair with the local chamber told this committee the exact same thing.

Minister, on infrastructure, we heard that our \$134-billion commitment is critical to building prosperity. There is a great need to support this particular investment. I want to stress the importance, if you'll allow me this as the member for Kitchener Centre, of all-day, two-way GO train service on the Kitchener line. We can add 30,000 jobs in the tech sector and manufacturing along this corridor within 10 years, and you know that, as the MPP for the centre, I'm going to be trying to champion this. Thank you.

The Chair (Ms. Soo Wong): Mr. Baker.

Mr. Yvan Baker: Minister, thank you very much for coming. I have to say that I have had a chance to speak with you on a number of occasions, and I know that when you asked to hear input, you were genuinely listening. I believe that you're here to listen and to hear what we have to say.

I'll speak about two topics. The first topic is that we had a few presenters talk about our fiscal outlook and the financial element of the budget, folks like the chamber of commerce, the Canadian Taxpayers Federation etc. Things that we heard: The need to remain focused on balancing the budget by 2017-18—it was something we heard from those folks—and to continue to reduce our debt load as a province. They talked about this as being important, first of all, so that we have the financial flexibility, so that we have the resources in the years to come

to invest in those services that we're all talking about, whether it be health care or education or infrastructure, but also because this allows us to attract investment, grow our economy and grow jobs. This was a big theme from these folks: Continue to hold the line on spending, continue with the PRT process and continue to hit those fiscal targets.

1230

The other element that I wanted to speak about was education and post-secondary education. We heard a lot of presenters coming from the post-secondary sector in particular, student groups like Canadian Federation of Students and the Graduate Students' Alliance.

There were two key themes. One was the affordability of tuition, and a lot of input and suggestions on the need to help, in particular, low-income students who are struggling to pay for tuition. An idea that was brought forward was a greater focus on upfront grants versus loans or tax credits. Another piece was helping students to find employment once they graduate from university or college. A little bit about work-integrated learning, experiential learning programs, was some of what we heard.

There was a lot of excitement around the funding formula review that the ministry is undertaking, and the importance of availability of data on post-secondary institutions so that all users—students and others—can learn more about how the post-secondary institutions are performing and what they're doing on behalf of students.

Mrs. Laura Albanese: Also, we heard a lot about climate change as well. I think I could sum it up by saying that the call is that we need action now, especially to achieve our shared goals of clean air and creating a green economy. Investing in innovation and business growth opportunities was important, and reducing the carbon footprint, and for the government to be a leader, using principles of reducing emissions, as part of our government contracts and across ministries. I guess I would say, lastly, that many organizations stressed that cap-and-trade revenues should be used on infrastructure.

The Chair (Ms. Soo Wong): Okay. I believe it's Ms. Hoggarth.

Ms. Ann Hoggarth: Yes. One of the things that I heard, and it's dear to my heart, is that people with children with special needs and autism are having difficulty. They would like some more funding for services for those children, whether it's in the schools themselves or in the community: smaller class sizes, more EAs, community services for those children.

As well, we definitely heard from everyone about affordable housing. That is very important to everyone across this province. We also heard—and again this morning, we heard—that they hope there would be a possibility of an increase in social assistance rates for ODSP and Ontario Works.

Thank you.

The Chair (Ms. Soo Wong): Mr. Milczyn?

Mr. Peter Z. Milczyn: Minister, in addition to the usual things we hear about our health care system—hos-

pitals, doctors, and nurses—we also heard very clearly, in every community, about the need to provide more support for palliative care services, and certainly the issue that was raised by our colleague MPP Mike Colle: the pregnancy and infant loss programs, which are lacking throughout the province. Those were key issues we've heard in every community.

Also, in northern Ontario, we heard a great deal about the lack of opportunities for aboriginal communities and the need to strengthen our partnership with them, to make sure that the economic development opportunities that are being created in the north are accessible to those communities as well; as well as about ensuring that the other services that we extend to First Nations people, whether it be education, health care or various other community supports—that we work with them to ensure that they're more effective.

The Chair (Ms. Soo Wong): Okay. I am going to turn to Ms. Albanese for 30 seconds.

Mrs. Laura Albanese: I also wanted to say that we heard from seniors, correctional services, job supports for people of all ages, credit unions that are expecting the results of the review that I conducted—and also about taking action on the underground economy. I'll just say that.

Thank you, Chair.

The Chair (Ms. Soo Wong): Okay. Thank you very much, everybody.

Minister, you asked a question to the committee. The summary of the presentations will be submitted on Friday, February 12, to the committee—next week, February 12, 2016.

The draft report will be submitted to the committee on February 16, 2016. The committee will begin writing the report on Thursday, February 18. The House returns on February 16. All the written submissions will be submitted to the Clerk today by 5 p.m.

The timeline is very tight. The first report coming out will be on February 12, and as soon as we can we will reconvene the committee on Thursday, February 18. I just wanted to bring that to your attention.

We are going to recess the committee until 1:15 this afternoon because we have a cancellation. I just wanted to bring that to everybody's attention.

Ms. Albanese?

Mrs. Laura Albanese: The submissions are due at the end of today.

The Chair (Ms. Soo Wong): Yes, 5 p.m.

Mrs. Laura Albanese: Would it be possible for the minister to receive a copy? Or the ministry? Or is that not—

The Chair (Ms. Soo Wong): Mr. Clerk?

The Clerk of the Committee (Mr. Katch Koch): Yes. Once it's filed with the office, I will distribute it to committee members electronically, I suppose, since it will be after the committee meeting. I'd be more than happy to send an electronic copy over to the ministry.

The Chair (Ms. Soo Wong): Minister?

Hon. Charles Sousa: I would welcome a copy, certainly. The work that you're doing, by all means continue

it. You're doing a great job. I noted the points addressed by all parties here. I recognize how important it is for us to move forward on a budget that reflects the work that you have done. I've noted all of that, and I appreciate the tremendous contributions that you're making. We will work ahead, with that information in hand, to produce a document that reflects all of us. Thank you.

The Chair (Ms. Soo Wong): Thank you very much, Minister, for joining us this afternoon.

We will recess the committee until 1:15. Thank you.

The committee recessed from 1235 to 1317.

ONTARIO TRIAL LAWYERS ASSOCIATION

The Chair (Ms. Soo Wong): I'm going to resume the Standing Committee on Finance and Economic Affairs.

The first witness before us this afternoon is the Ontario Trial Lawyers Association. Ms. Bent, right? You're the president of the Ontario Trial Lawyers Association.

Ms. Maia Bent: Yes.

The Chair (Ms. Soo Wong): Welcome. Thank you for being here. As you've probably heard, you have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the official opposition party. You may begin any time. When you begin, can you please identify yourself for the purposes of Hansard? Thank you.

Ms. Maia Bent: Certainly. Thank you. Hello; I'm Maia Bent. I am the president of the Ontario Trial Lawyers Association. I am also a lawyer in London, Ontario, practising at the law firm of Lerner's. I have almost 20 years of experience in representing plaintiffs who have been injured primarily in motor vehicle accident cases, so I have seen first-hand how auto reforms have a real-life impact on the people of Ontario.

Auto insurance is mandatory, and therefore it has to achieve a balance between competing interests. We consider them the three Ps. There has to be consideration of premiums, of protection and of profitability. Premiums must be affordable for consumers. There also has to be coverage protection so that insurance is there for people when they need it. And insurance companies need to be reasonably profitable. An analogy might be a three-legged stool, and if any one of those interests is out of whack, the entire product will not function properly.

We've had almost two decades of insurance reforms. Almost every reform has eroded coverage for innocent accident victims, and premiums have remained stubbornly high. This is unclear, because the insurer profits are very healthy. A report that was done by two York University professors, Professors Lazar and Prisman, shows that the insurance industry is very profitable, but these profits are not being passed on to the consumers. They show that consumers have overpaid by \$840 million and \$702 million in the last two years for which they had data, and that in 2014, the insurers were making a return on equity of 10.6%, which they felt was double what was reasonable.

The erosion of coverage to accident victims means that we are now at a place where the automobile insurance system is fundamentally broken. The multiple reforms have given us an unwieldy, bureaucratic system that is not working for anyone, least of all those it was designed to protect.

The appointment of David Marshall is an opportunity to reboot the entire system, and if the government is interested, the Ontario Trial Lawyers Association has many ideas on things we can do to rethink the automobile product. Today, I want to highlight just one problematic aspect.

The culture of claims denials makes it difficult for injured people to access the few benefits that they have left. For those unfamiliar with the system, an injured person must first submit an application for every treatment that they need; for example, eight sessions of physiotherapy. This form is filled out by a medical practitioner such as a family doctor, and that doctor has to certify that the treatment requested is reasonable and necessary. So the insurance company already has medical data that this treatment that is being requested is, in fact, required and legitimate. Despite having this information, approximately half of all claims are turned down at first instance. This gives the injured person a choice: They can either withdraw their claim or they can submit to an insurer medical examination.

Injured people tell us how difficult it is to be repeatedly subjected to these examinations, often in other cities by unsympathetic and skeptical doctors. This is even worse if the assessor is assessing them for a disability that comes from a psychological or a psychiatric problem and they are forced to talk about their feelings to somebody who is there to evaluate them in a skeptical manner.

In addition to these examinations, the insurance company also has the right to send a claimant to medical examinations "as often as is reasonably necessary." That's the language of the legislation. A couple of decades ago, when I started doing this, the rule of thumb was about once a year per problem; for example, a psychological problem or a physical problem. But since then, there has been an explosion in the frequency and number of these examinations. In my practice, I have often received requests for five, six or seven medical evaluations, all to take place within a two-week period.

If a person objects or refuses, the insurance company labels them "non-compliant" and terminates their benefits. My clients tell me that they can't survive without their income replacement benefits or their medical benefits, and they often give in, even though our advice to them is that those examinations are being held more often than is reasonably necessary.

When the medical reports do arrive, they are frequently negative and support the insurer denials. Justice Cunningham stated in his review of the Ontario automobile insurance dispute resolution system that the problem was obvious. His quote is, "An expert retained by an insurer who supports claimants is unlikely to be retained again."

At the end of it all, I have discovered that injured people are often angrier at their own insurance company than they are at the person who hurt them. They feel betrayed by the company that was supposed to be there as their safety net if something bad happened to them or to someone they loved.

Medical examinations are not being used to fairly evaluate claims. They are a systemic barrier to injured people who are trying to get insurance benefits for their legitimate injuries.

All of this adds costs to the system. The insurers' own data shows that for every dollar paid out for treatment, 70 cents is being paid for medical examinations to deny treatment.

One simple solution would be to legislatively limit the number of medical examinations and the frequency of those examinations. This would save cost in the system, it would speed up claims handling, and it would remove barriers to injured people who are claiming accident benefits. This is just one idea that we have to assist in a reboot of the system, which we are strongly encouraging the government to consider.

We need to move the focus of the conversation about automobile insurance to what happens to claimants once they go into the system. The conversation has been very heavily weighted on the premiums and bringing premiums down, but there's no point in even having an insurance product if it isn't going to be there for the people who need it. We need to achieve a balanced automobile system, and we need to rethink the priorities around that.

I'm happy to entertain any questions.

The Chair (Ms. Soo Wong): Okay. I'm going to turn to Ms. Martow to begin this round of questioning.

Mrs. Gila Martow: Thank you very much. I think it's very timely that you bring up that doctors' reports are often being ignored, because we're just seeing in the news, the past week or so, that there are complaints about WSIB, the Workplace Safety and Insurance Board, and that a lot of claimants also feel that their benefits are denied because their doctors' reports are ignored. The doctors themselves, I think, have created a group and are speaking out against that.

We have to ask ourselves, as a society, what we mean by ignoring doctors' reports. Are we suggesting that the doctors are part of some elaborate fraud, or we just think that a bureaucrat knows better?

My question to you is, what would you suggest in terms of what could be implemented so that doctors' reports are taken seriously? I know you're advocating for fewer doctors' exams, but would you advocate for a system where the doctors' reports have to be taken more seriously? Maybe that would facilitate having fewer exams.

Ms. Maia Bent: The courts have recognized that a doctor who sees somebody over a period of years, such as a family doctor or an expert or a treater who has been working with the person, has a far, far better grasp of their issues, their disabilities, than some so-called expert

who has been hired by one side or the other and came in on a one-time basis. In the courts, the shift has been to put more and more weight on the people who actually have some continuity and really do have a chance to get to know you.

I think that, unfortunately, it is an adversarial system that has sprung up. I think that, as Justice Cunningham said, a doctor who gives a report repeatedly in favour of a claimant instead of an insurance company is unlikely to be hired again.

I'm not suggesting that there's any wrongdoing, necessarily, but I think that different practitioners have different philosophies, and the insurance companies seek out people who support the views that will assist them financially.

Mrs. Gila Martow: I agree. I just think that the doctors feel very disrespected in the province, and things like this aren't helping.

In terms of the government trying to cut down insurance premiums, what we've heard from other committees—I'm on the social policy committee, usually—is that coverage is being cut. Instead of \$2 million for a serious accident—say, somebody unfortunately becomes a quadriplegic. Instead of \$2 million of coverage, the government is cutting it to \$1 million allowable for coverage, and people don't find out about this, unfortunately, until it's too late. They don't read the fine print.

Is that what you're also advocating, that you want to see better coverage?

Ms. Maia Bent: Absolutely. This has been a problem that has been coming for a long time. The most recent round of cuts has gone into an area which had not been touched before, and that is the issue of people who are catastrophically injured—the most seriously injured people. These are people whose problems are not going to disappear with the elimination of coverage. You're simply downloading that cost onto the public health care system. It is a very, very worrying problem.

But for people who don't achieve that level of designation—catastrophic impairments being harder and harder to qualify for all the time—there are a lot of extremely seriously injured people who are in a much worse position, because their coverage has been eroded down to almost nothing. If they are fortunate enough to have a claim, they may, many years down the road, get some financial remuneration that way, but a lot of people are simply out of luck.

Mrs. Gila Martow: Has it ever been suggested, instead of using the court system—which is so costly for the insurance company and for the patients—to have more of a mediation for some of these claims, the way we've tried to take some of the family law out of the court system and things like that? By trying to say we're going to cut insurance premiums—let's face it; it's a capitalist market for insurance. The government didn't go the route of what the NDP had suggested under Bob Rae—and he backed out—to have no-fault insurance or something. You know, I'm from Quebec; that's what we call it there. Is it feasible to have some kind of a mediation to cut costs?

1330

The Chair (Ms. Soo Wong): Ms. Bent, can you make your response brief? Because we're running short on time today.

Ms. Maia Bent: Yes, I will. Mediation does exist in the system already, in many different aspects of it. It is widely used, but mediation is only effective if the parties are there with a willingness to settle. Mandatory mediation hasn't worked very well because it has created another step that people have to go through. A lot of times the insurance companies show up with no offers at all.

The Chair (Ms. Soo Wong): Okay, Ms. Bent. Thank you very much for your presentation as well as your written submission. If there's any additional information you want to give to the committee, you have until 5 p.m. this afternoon.

Ms. Maia Bent: Thank you.

CAAT PENSION PLAN

The Chair (Ms. Soo Wong): The next group before us is CAAT Pension Plan. Good afternoon, Mr. Dobson. Welcome. As you probably heard, you have 10 minutes for your presentation, followed by five minutes of questioning. This round of questions will be coming from the third party. You may begin any time. When you begin, can you please identify yourself for the purposes of Hansard? Thank you.

Mr. Derek Dobson: Thank you, Madam Chair. My name is Derek Dobson. I'm the CEO and plan manager of the CAAT Pension Plan. The CAAT Pension Plan is one of the best-kept secrets and success stories in Ontario. In fact, I find it amusing that we're regularly asked to share expertise worldwide but often not asked locally.

CAAT delivers adequate pension benefits at stable and predictable cost to over 43,000 Ontarians working at 39 employers in the post-secondary education sector. Our members and employers share risk and cost equally through a joint governance model. We invest in much-needed infrastructure, like the Bridgepoint health centre. We are over 107% funded, and our reserves provide stability to our employers to run their businesses, attract and retain talent and provide quality education rather than running a complex pension plan. For the majority of Ontarians who do not have a good workplace pension, these remain challenging times to efficiently save for adequate income in retirement.

The three retirement headwinds we face are persistent. Headwind number 1: demographics. Demographic shifts will have a large and persistent impact on our health care financing in Ontario with the population in Ontario aging. For example, the number of people over 65 will more than double in 20 years. The fact is that a majority of health care expenses are for those over age 65, and Ontarians need to plan for a retirement where more health care costs will come from their pocket, either directly paying for them or via higher taxes. Neverthe-

less, my first key message is that we need a strong deferred tax base in Ontario.

Headwind number 2: longevity. Ontarians are living longer, which is a good thing, but our savings goals and plans have not always adjusted to ensure we have set enough aside. It is becoming more the norm that a 60-year-old today will live to age 90, but their savings may fall short of this target, leading to heavy reliance on social programs and further increases in health care costs. My second key message: We need an efficient and adequate retirement program.

Headwind number 3: investment expertise. Even if individuals are aware of demographic shifts causing health care costs and improving longevity, and want to save more, Ontarians in general are intimidated by investment markets. It is estimated that over 90% of individuals do worse when managing their own money than those in defined-benefit pension plans because individuals tend to buy high and sell low, or use investment products with high fees. In fact, many people just stay out of the market or just avoid saving altogether, guaranteeing a sub-standard retirement and reliance on public programs, which leads me to my third key message: We need retirement programs that are easy for Ontarians.

I was pleased to hear Minister Mitzie Hunter refer to the strength of Ontario's public sector pension plans when answering questions from a journalist about the design of the Ontario Retirement Pension Plan last week. She is correct that we should take pride in our local talent and successes. It is unfortunate that defined-benefit pension plans are often and incorrectly viewed as expensive. The fact is that retirement in general is much more expensive than it was 20 years ago.

I would like to share three facts about defined-benefit pension plans. Fact number 1: Dollar for dollar, DB plans provide the best value, and they're cheaper. Public sector DB plans in Canada are efficient investors, generating approximately 75% of every dollar they pay from investment returns. For the same level of benefits, the DB plan will deliver it 44% cheaper when compared to retirement plans where members make investment decisions.

Fact number 2: Inadequate retirement income increases the need for taxpayer-supported social benefits for seniors, while adequate retirement provides a much-needed deferred tax base. Retirees with an inadequate income are more reliant on tax-supported systems such as GAINS. Lower incomes also lead to higher health care costs—a double impact for inadequate pensions.

Future generations of taxpayers need to be protected from having to prop up a growing number of seniors who have been unable to save efficiently for their retirement. Retirees with adequate income are also taxpayers and, as the population ages, will be relied on to help support existing social programs.

Fact number 3: Multi-employer pension plans like CAAT, especially those which have cost-sharing at a 50-50 basis, are doing very well in Ontario and provide a strong model.

It is clear to me that we need a retirement and aging solution that is based on facts and clear objectives. So

what are the retirement and aging solutions? It is definitely not to wait. There is no better time to invest in improving retirement income than today. Our population aging will keep coming and will grow more significant over time.

The ORPP, for example, is an important and necessary step for a sustainable Ontario in the long term. We should support retirement savings that are adequate, efficient and mandatory. Without these three goals, we will pass down our financial responsibility to our children and grandchildren. As a father of three, I personally find this a short-sighted and unfair transition.

To offer very specific suggestions, there should be support for mergers of less efficient, single-employer pension plans into larger and more efficient well-run, multi-employer plans that share risk and governance. This is an obvious and natural solution.

For example, the Royal Ontario Museum is a great institution that we should all be proud of. The ROM was facing a pension challenge but, to its credit, it found a better path to pension sustainability and lower cost by joining CAAT. CAAT opened itself up and allowed the ROM to merge with it, providing a pension solution that works for the long term, lowering the risks and their costs.

Similarly, we are encouraging universities that face similar pension challenges to seriously explore joining our plan or, at a minimum, leverage our local experience and expertise.

Finally, public policy on pensions needs to be thoughtful and take a long view. Pensions are complex. I would urge legislators to rely on pension expertise that exists right here in Ontario. Some of the best pension plans anywhere in the world are right here, and we are willing to help find solutions. We have one of the best pension systems in the world, and we should continue to work together to make it stronger.

I'd be happy to answer the questions of the committee.

The Chair (Ms. Soo Wong): All right; thank you very much. I'm going to turn to Ms. Fife for this round of questioning.

Ms. Catherine Fife: Thanks very much, Mr. Dobson, for coming in and sharing your expertise. It's good that you were here, especially in the midst of various announcements on the ORPP. New Democrats share many of the values that you just shared with us.

Various stakeholders have come. This is the seventh day of this committee meeting, and there are a lot of questions about the ORPP and the plan, as defined by the government. Originally, the promise was that every employee would be a part of the ORPP, or a comparable plan, by 2020. Mitzie Hunter just announced with the minister last week that every "eligible" employee will now be part of the ORPP, or a comparable plan. And there are some questions about comparable plans.

You've made the case for the public pension plans that are currently in the province of Ontario, and we share that confidence in those plans. Do you want to make a suggestion as to the administration of the ORPP? Your

idea of supporting mergers of less efficient plans is intriguing for us. Do you want to extrapolate on that a bit?

Mr. Derek Dobson: Sure. With respect, specifically, to the ORPP, I think it's right to exclude comparable plans because, for example, our members are governed by a plan specifically designed for them, where the ORPP is more designed for the population—

Ms. Catherine Fife: It's the definition of what "comparable" is, though. That's the big question, right?

Mr. Derek Dobson: Absolutely. If we take the DC comparison of more efficient or less efficient, since DB plans are 77% more efficient or 44% cheaper, I think the 2 to 1, the 8% for DC plans has merit from a technical perspective for comparable plans. So I think both of those are reasonable overall. We all have our personal views about fine-tuning it, and I would have my own as well, but in general I think the direction is fairly good.

To run a DB plan there are actuarial costs, legal costs, and complex system administration things. Having small plans in Ontario—we can define what "small" is. But to replicate costs of 170 different plans—those should be merged.

1340

Ms. Catherine Fife: Your ask, though, is for the government to support mergers of less efficient or smaller plans. Have other jurisdictions done that? Do you have any examples other than the ROM?

Mr. Derek Dobson: The regulations were just passed November 20, so the ROM was the first out of the gate on November 21, the day following those elements. But I think that it should go more for facilitating an environment and letting the parties—more encouraging them, not necessarily through financial means, but whether it's sustainability measures or whether it's funding formulas, there should be more ideas to move this process along, because I think the longer we wait, the bigger the problems can magnify.

Ms. Catherine Fife: Okay, thanks. And just one final comment: I'm happy that you made the connection between having a strong pension plan, a strategy down the line and the impact on health care. As you point out, with an aging population those health care costs continue to rise, and there's a direct correlation between having adequate retirement savings and quality of life.

Thank you for coming in today.

The Chair (Ms. Soo Wong): Thank you, Mr. Dobson. You have until 5 p.m. today if you would like to submit anything in writing to the committee with regard to the pre-budget consultations. Thank you for being here.

Mr. Derek Dobson: Thank you.

CANADIAN MANUFACTURERS AND EXPORTERS ONTARIO

The Chair (Ms. Soo Wong): The next group before us is CME Ontario: Mr. Paul Clipsham and Ian Howcroft. I believe there will be some handouts coming our way.

Welcome, gentlemen. As you've probably heard, you have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the government side. You may begin any time. When you begin, can you please identify yourself for the purposes of Hansard? Thank you.

Mr. Ian Howcroft: Thank you, Chair. Good afternoon, everyone. My name is Ian Howcroft and I'm vice-president of the Canadian Manufacturers and Exporters Ontario division. With me is CME Ontario's director of policy and programs, Paul Clipsham.

First, I'd just like to say a few things about Canadian Manufacturers and Exporters. We are Canada's leading industrial association, and we've been around for about 147 years. We have approximately 10,000 members across the country, and about half of those are here in Ontario. Our members represent about 82% of Canada and Ontario's manufactured output and are responsible for about 90% of the exports from manufacturers. I also want to note that 85% of our members are small and medium-sized enterprises.

I'd also just like to touch on the importance of manufacturing. I think many people have an inaccurate or very negative image of manufacturing, but it is still Ontario's largest sector. It has about 750,000 direct employees and it supports about one and a half million indirectly. For every dollar invested in manufacturing, it generates about \$3.50 in total economic activity. This is the largest multiplier of any sector. Manufacturers are also responsible for about half of Ontario and Canada's R&D, and about 80% of the commercialization.

Last fall, the Minister of Finance made some comments in the fall economic statement. We found many of them to be extremely positive and in line with what we've been advocating for. I would just like to note that we were very pleased to see that the industrial exception is going to be maintained. Also, there is work going on with regard to the defined benefit plan single-employer solvency issue, which is a big issue for us. We were also pleased to see the debt retirement charge move forward by about eight or nine months for manufacturers. That's a good first step. We think that's a key area where more needs to be done, but we're pleased to see that. Also, in the fall economic statement, key statements were made about what we have to do with regard to the regulatory challenges and regulatory barriers that are preventing our economy from realizing full advantage.

There have been huge challenges, huge transformations taking place in our economy. Very quickly, over the last year, we've seen a dramatic decrease in the price of oil and a decrease in the dollar. It's a double-edged sword. We are extremely tied to the oil sands initiatives and many of our members had supply chain opportunities there that have gone. However, with a lower dollar, it does tend to help more in the manufacturing sector here in Ontario and in eastern Canada, but that depends on how you're structured, where your markets are and how many inputs you're getting from around the world. But overall we see a lower dollar as an opportunity that we want to find ways to help our members realize.

Tax issues, a key issue for us: Ontario has a relatively comparative tax system in comparison to our global competitors. We have seen great movements on the tax side: the elimination of the capital tax; the introduction of the HST; accelerated depreciation, which was put in last year's budget, for the next 10 years; and a manufacturing rate of 10%. These are all issues that we had advocated for and are pleased to see realized. But again, more needs to be done. We have to also realize that we have to address the building deficit. That has to be something we keep in mind as well.

For our pre-budget submission, we are focusing on three key areas, and they build on what was stated in the fall economic statement.

The cumulative impact of regulatory challenges really has to be recognized, and we have to deal with that. We see all types of regulations coming at us. There are already many on the books that we think need to be changed or adapted to better deal with the realities.

We're also dealing with a lot of unintended consequences. We can provide many examples of those: toxic reduction, under environmental legislation; 900 days to get an approval through in the area of environment. Now, we're working on these and we have a very receptive ear right now, so we're hoping, again, to build on what was mentioned in the fall economic statement.

We're also working on the cap-and-trade system that Ontario is dealing with, and we're also dealing with the ORPP. We have some real issues and challenges around the implementation of the ORPP, and we'll get to that in a couple of minutes.

The other area that we wanted to focus on is the electricity rates in Ontario. We have among the highest electricity rates in North America, and we have to find ways to deal with that. We've seen the government act on some of our recommendations to introduce ways to deal with a global adjustment mechanism, and as I said, the debt retirement charge is being addressed. But a lot more has to be done if we want to retain and grow the manufacturing sector that is so important to the standard of living and quality of life in Ontario.

With that, I will turn it over to Paul to go into some of the details from the pre-budget submission. Paul?

Mr. Paul Clipsham: Thanks very much, Ian. I wanted to build on what Ian said around those three areas, which are the cumulative economic impact of legislation and regulation; electricity rate competitiveness; and support for innovation, productivity and skills development.

With respect to the cumulative economic impact of legislation and regulation, as Ian pointed out, there has been some significant progress in that area. CME specifically recommends that the government adopt an authentic consultation approach that seeks input from stakeholders at the policy development stage, before legislation is developed, and to accelerate the progress under Open for Business and the Burden Reduction Reporting Act of 2014.

CME also recommends that all preliminary regulatory impact assessments should be posted publicly for

comment. We hear a lot from our members that it's difficult to be able to respond effectively to government initiatives if there's not that transparency as far as what is being contemplated and what the assessed impact will be.

With respect to the Ontario Retirement Pension Plan, the ORPP, CME believes that under the economic circumstances, Ontario should consider taking a pause with the progress and implementation of the ORPP, particularly in light of federal commitments to reviewing the CPP. Going ahead at this time could put Ontario manufacturers at a competitive disadvantage. We think we should see how that plays out and put our efforts into that.

Failing that, we believe the government should consider further expanding the definition of "comparable." We have many members that have significant contributions to capital accumulation plans that aren't comparable under the definition of the plan. We have one extreme example of a member that ultimately contributes 17% to a program which, because of the way it's structured, isn't deemed comparable. There are a number of examples of that, and we think there should be more flexibility as far as what constitutes comparability.

The cap-and-trade program: Ontario continues to pursue a cap-and-trade program that's similar to, and in conjunction with, California and Quebec. In pursuing this course, it will be critical to continue to employ authentic consultation with industry to avoid unintended consequences. CME is concerned that the costs of implementation of this program could put Ontario manufacturers at a disadvantage to other jurisdictions outside of California and Quebec. It will be imperative to fully offset the added cost to industry and to provide certainty beyond the first reference period, to avoid adverse economic consequences. Ontario needs to avoid a scenario in which higher costs to Ontario industry drives investment elsewhere, where those costs don't exist. In this scenario, we will fail to reduce GHGs and will lose high-paying jobs and investment in the process.

1350

CME supports the Green Investment Fund initiative, which is focused on accelerating technological progress which will drive further GHG reductions while improving manufacturing competitiveness. That's the type of initiative we need more of.

CME also recommends exempting the electricity system under cap-and-trade. There's already been significant progress in the electricity system with the coal phase-out. We view adding further costs to the electricity system under cap-and-trade as being counterproductive.

The second area is electricity competitiveness. Electricity rates are fundamental to the success of Ontario's manufacturing sector and our economy. On a relative basis, the rate environment is improving from the last few years. However, despite progressive reforms, including demand-based allocation of the global adjustment for large users, Ontario industry continues to be at a disadvantage compared to key North American jurisdictions. This issue is compounded by the fact that US states

are offering significant incentives to attract and retain manufacturing investments south of the border. The moderating effect of the low dollar is largely offset by falling gas prices, which form a more significant part of the supply mix in competing US jurisdictions.

We also have a near-term issue of surplus power during the spring and fall. To deal with this surplus, Ontario is selling off power at steeply reduced rates to neighbouring and competing jurisdictions. This surplus capacity challenge and the bigger challenge of funding ongoing upgrades to our electricity infrastructure would be further exacerbated by erosion of the manufacturing sector.

Ontario has put in place the industrial electricity rate incentive program to try to address this issue, but we feel that program should be significantly expanded. Right now, it's fairly narrow in scope and is still challenging for the majority—

The Chair (Ms. Soo Wong): Mr. Clipsham, can you wrap up so that we can start the round of questioning?

Mr. Paul Clipsham: Yes. Thank you.

The final point is around support for innovation and productivity. Innovation, productivity and training are also critical to the manufacturing sector and the economy. We think ongoing support in those areas is really important to the viability of the sector as a whole.

With that, I will close out and thank you for your time and attention and welcome any questions.

The Chair (Ms. Soo Wong): Thank you very much. I'm going to Mr. Baker to start this round of questioning.

Mr. Yvan Baker: Thank you both very much for coming in today. I wanted to pick up on something that you had talked about in the initial stages of your presentation and that you have here in writing. I'm just going to highlight a few things that you have here on page 3 of your presentation, where you talk about the reduction to corporate taxes, the accelerated write-offs from M&P equipment, the elimination of the capital tax, commitments to regulatory burden reduction, temporary solvency relief and the elimination of the debt retirement charge for non-residential ratepayers. They were things that you're applauding, essentially, in this document.

I guess what I wanted to get an understanding of, for those of us who aren't from a business background, for those who are watching who aren't from a business background—could you just talk a little bit about how these kinds of things help the businesses that you represent and, ultimately, the communities that they're drawing employment from?

Mr. Ian Howcroft: It helps to encourage investment if we have what's considered a competitive environment. Companies are looking at what it costs to do business in Ontario. We were pleased to see the elimination of some of these tax issues. Some were on the books for many, many years. Back in 2008-09, there was the elimination of the capital tax. Then we worked to get in the HST, which was embraced, which reduces costs for businesses. Accelerated depreciation is a huge opportunity both federally and in Ontario and, as I said earlier, we're very

pleased that that has been implemented now for the next 10 years.

On a tax-competitiveness basis, we are pretty competitive worldwide. However, that's just one component. There are a lot of other costs that are looked at: the labour costs, the health costs of employees. There is the cost of input credits. Everything is looked at, so we have to ensure that we're dealing with not just the tax side but also the other costs.

Two of the big ones that we're focusing on are the cost of electricity, which is still enormous and we need to find solutions to assist manufacturers, and also the regulatory burdens. Companies are spending, in our view, an inordinate amount of time dealing with compliance when they need not. I cited the Toxics Reduction Act. Who doesn't want to reduce toxics in the workplace? But it's in the definition. Copper is identified as a toxic, so companies have to go through and explain how they're reducing that. If you're a copper mine, a wire company or a plumbing company, your goal is to increase the use of copper, not reduce it, so you're going through the same mechanisms, the same process, to demonstrate why you're not reducing copper.

In 99% of the cases, copper is not a toxic. We use it to bring water to our homes and our coffee machines etc.

What we want to do is go back to first principles when it comes to having a regulatory system that makes sense, that focuses on what we're trying to accomplish and reduces the costs for employers and for government.

Paul, did you want to add anything?

Mr. Paul Clipsham: I think that's good.

Mr. Ian Howcroft: Okay.

Mr. Yvan Baker: I know that our government is committed to continue working on the regulatory side of that. I hear what you're saying. That's helpful.

The other question was just around infrastructure. We've had some presenters come in—yesterday comes to mind—who talked about the importance for businesses to be able to get goods to market, goods across borders etc. Can you just talk about the importance of the investments in infrastructure? I think when we think about investments in infrastructure, we think from the perspective of commute times and gridlock and those sorts of things. Those things are very, very important, but from a business perspective, could you talk about the importance of those investments?

Mr. Ian Howcroft: Those things are important, but also, it's getting our goods to market across the borders. That's why we have been advocating and very supportive of the bridge that's being built down in Windsor. I think we have a very clear example of the challenges we have with the bridge in northern Ontario. It was just built and just opened, and now we're getting calls from member companies, saying, "This is hard for us. We don't have permits, necessarily, to go through the States. We have to be escorted across. It's having a huge impact on our business and our operations." That just shows how important having the proper infrastructure is.

We recognize that there are costs involved in that too, but I think we're in a real challenge, if we don't pay

those costs, to have an infrastructure that gets people to work, but also gets product to the marketplace and gets supplies in so that companies can build, add and assemble the products that they need, to keep employing people here in Ontario.

Mr. Yvan Baker: Okay. Thank you.

The Chair (Ms. Soo Wong): All right. Thank you very much, gentlemen, for your presentation as well as your written submission. Have a great day.

Mr. Ian Howcroft: Thank you very much.

ENVIRONMENTAL DEFENCE

The Chair (Ms. Soo Wong): The next presenter is Environmental Defence: Keith Brooks. I think the Clerk is coming around with the written submission.

Welcome, Mr. Brooks. As you probably have heard, you have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the official opposition party. You may begin any time. When you begin, can you please identify yourself for the purposes of Hansard? Thank you.

Mr. Keith Brooks: Sure. Thanks for having me. My name is Keith Brooks. I'm with Environmental Defence, which is a Canadian environmental charity. We're based here in Toronto. We also have an office in Ottawa.

We work across four main issues. We work on land use planning and urban sprawl issues. We work on toxics issues—toxics reduction, actually. We work on fresh water and Great Lakes protection. We also work on environment and climate change.

The clean economy program that I manage touches most intimately on climate change and energy issues, but in a nutshell, the idea of the clean economy program is that we don't need to choose between a clean environment and a strong economy. We have to have both.

I know this understanding is shared by the province of Ontario. We saw it in the last budget and we've seen it in the green stimulus fund. We've seen it in the progress with cap-and-trade and a lot of the things that the province is doing. We see it in the province's acknowledgement of this need to move toward a low-carbon economy, which is another way of talking about a clean economy. I just want to say that it's really encouraging.

Overall, we're quite encouraged by the environmental issues that this government is pursuing, from taking action on climate change, to banning the use of neonicotinoid pesticides, which were causing bees to die, to moving forward with the Great Lakes Protection Act, and a whole bunch of things. But I do want to flag a concern that we have with the MOECC and the capacity of the government in general to deliver on this agenda with limited resources.

I think some of these things are big. We're pretty worried, in fact; we're supportive of the Great Lakes Protection Act, but we're worried about the need for there to be more resources to actually do that. To deal with the algae issue in Lake Erie is a complex matter, and we

think more resources will be needed to effectively address that. We think that you might need some carrots as well as sticks, quite frankly, to rein that issue in.

We're concerned with some of the progress on some of the toxics stuff. We know that the mandate letter to the Minister of the Environment and Climate Change talked about increasing people's knowledge and access to information around toxics. In recent years, a lot of the toxic products have shifted from the industrial base to consumer products. We're worried about a lack of capacity by MOECC to in fact address toxics on the consumer side. We think that more money is needed, more investment is needed on that from the MOECC to actually pursue it.

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We're not just concerned about things that are within the Ministry of the Environment and Climate Change. We're also worried about the Ministry of Natural Resources and Forestry's ability to properly enforce the changes they're contemplating as they revamp the Aggregate Resources Act. We're worried about the province's ability to deliver on this ambitious agenda around transit—all of these things which we support. The short story is, we would like to think that there's a need for more capacity inside government to actually deliver on these things.

I'm going to speak about the cap-and-trade program in more detail, but I just want to say that that's a "polluter pays" model. We support that kind of a model. It's very close to the idea of the clean economy stuff. We just think that there are a couple of other instances where the Ontario government might be able to raise some resources to help deliver on some of these things that are in the mandate letters, in the budgets and whatnot. For example, the Environmental Commissioner flagged that the water-taking fees for large-volume water users are much too low. They only cover a fraction of the costs of maintaining water conservation programs. It's time, in our opinion, to raise those rates. It's \$3.70 for a million litres, so it's very, very low. It must be much higher.

Also, I mentioned earlier the Aggregate Resources Act; there's A Blueprint for Change. The Ministry of the Environment and the Ministry of Natural Resources and Forestry had originally contemplated having a more substantive conversation about the fees that aggregate producers pay—the fees or royalties, depending on the licence that they pay. There was, at one point, an appetite to raise those fees. For some reason, they seem to have backed away from that, despite the fact that there is actually a very large and diverse set of stakeholders who have said, "We're ready to talk more about fees," and this includes aggregate producers, municipalities, environmental organizations and pretty much all the stakeholders involved.

I just want to flag that, in budgetary issues going forward, we think there's a capacity issue. We think there is a lot of room to address some of that through a "polluter pays" approach, and some of the examples I have cited—but there are others, as well, that we would be happy to talk about.

On the cap-and-trade, in particular, again we're very supportive of the province moving forward on the cap-and-trade stuff, but there are two issues that I want to flag there. First, I'll just say that we coordinate an organization called the Clean Economy Alliance. It's a multi-stakeholder organization with about 90 organizational members drawn from a very broad cross-section of Ontario society. We've got the Ontario Federation of Agriculture, we have labour unions, we've got clean tech companies, some very large emitting companies and, of course, some health charities and some environmental charities. We've worked together with that alliance to educate ourselves about cap-and-trade. We put in a submission to the government around some recommendations we would like to see in the program.

I'd say we see almost all of those recommendations reflected in the most recent document that the province was consulting on, with two exceptions. One is the allocation of permits to the large emitters. In our submission, we said that we recognize the issue of leakage, the issue that we just heard about from CME, this idea where companies might relocate to evade paying a price on carbon. But, at the same time, this is one of the ways in which you can put a price on carbon. People need to pay that price or you actually haven't put the price on carbon and you have weakened the market signal that you're trying to send.

In our submission, we acknowledged this issue around competitiveness, the issue around what's called leakage, but said you have to base any free permits that you give—if you're going to give a company a break on the carbon price, you must base it on a lot of sound analysis and it must be targeted only to those companies that need it. I would just say that this set of recommendations is echoed also by the Ecofiscal Commission, who said that any free allocation of permits needs to be targeted, transparent and temporary. I think we're not necessarily seeing that. The province seems to be contemplating giving free permits to 100% of the reporting industries—the entire industrial base. The Ecofiscal Commission's analysis says that about 2% of Ontario's economy is actually energy-intensive and trade-exposed and would be deserving of those free permits. The plan is to give 100% free permits to all polluters over that 25,000-tonne threshold. We think it goes too far.

There are a couple of drawbacks that can come from this. One is, you're diluting the price signal you're trying to send. Economists say, "Do this because it's the most efficient way to send a signal to the market to change behaviour," and if you dilute that signal, it doesn't work. Not only is it that the big firms aren't paying it, but a lot of free permits in the system mean that the price is lower in general and the signal across the whole system is dampened. We want to see that signal strengthened. We're concerned about the efficacy of the program on that.

Also, there is another issue around forgone revenue. If all of the permits in this system were auctioned at, assuming, \$17 a tonne, which is about what the floor

price is going to be in 2017 when this program is launched, this province should be expecting to raise about \$2.4 billion. Now, for some reason, in the fall economic statement, they said that in the first year of the program they expect \$1.3 billion. That's a \$1.1-billion difference between what the math shows you should be raising and what the fall economic statement said you expect to be raising.

I'll say two points about that. One is that that would be over \$1 billion annually in forgone revenue. I've run the numbers, and I would say that if all of that industrial base doesn't pay further permits to pollute, it's about \$660 million of forgone revenue. That's a lot of money annually. It would be better if that were less. Also, I just wanted to say that that \$660 million is a lot, but I think that number, the \$1.3 billion in the fall economic statement, needs to be looked at again, because the math doesn't seem to add up, even if you were going to give free permits to the entire industrial base.

I already spoke about the effectiveness issue and diluting the price signal that you're trying to send. I'll just add that there's a concern around this free permit thing leading to some perverse outcomes at times, and there have been some examples of this happening in the EU where they issued a lot of free permits to the industrial companies there as well.

I guess there are two main things that have been documented. There was a professor at Brock University who documented the fact that the stock performance of high-polluting companies did better than that of their relatively clean peers. Another effect has been documented, which they refer to as windfall profits, when companies get free permits but they are able to pass on the costs to consumers, because consumers know that there's a new price on carbon. So these companies end up getting a benefit from this.

We understand that the leakage thing is an issue and we want to address that; we're just flagging the notion that we could be going too far here. Surely the purpose of this program is not to reward polluting firms. I think that in an effort to address these competitiveness and leakage issues, you can go too far and that can happen.

The Chair (Ms. Soo Wong): Mr. Brooks, I need you to wrap up. Can you just do that?

Mr. Keith Brooks: Okay, I'll wrap up.

The last piece is about the use of proceeds. We just want to say very strongly that the government needs to put the money back into reducing emissions; otherwise, we could be buying a lot of permits from other jurisdictions, sending money out of the province. Instead, we need to be reinvesting and retooling this economy, creating this low-carbon economy that we're committed to, and we need a lot of transparency around that.

More details are in the document.

The Chair (Ms. Soo Wong): Okay, we're going to stop. I'm going to turn to Ms. Martow to begin this round of questioning.

Mrs. Gila Martow: I think I can speak on behalf of my colleagues when I say thank you for your very

passionate presentation. I think we've all picked up a few pearls from you about things we need to look into and learn more about.

We keep hearing from experts saying, "What we want is to have a strong economy, and we want to get revenue from that economy." That's the government's job. It's not the government's job to decide how an industry should necessarily invest—try to be supportive, of course.

But my question to you is this: What can we do, realistically, to have cleaner air and clean water? We're looking at places like Europe that have implemented a carbon tax, and what we're hearing is that companies sold their permits and actually made more money selling permits to pollute than they made on the product that they were making.

This is all very disappointing. We see in many countries that there are more people riding motorcycles or the rice burners or whatever they're called that are hugely polluting, much worse than a small car.

You seem like an expert, so I want you to tell us what we can do, other than saying to companies, "You're going to pay to pollute." That doesn't sound very healthy.

Mr. Keith Brooks: Well, I think that the payment for polluting is one aspect of the good policy that could be put into place. Most of the research that I've seen, at least, says that these efforts are largely successful. They've been successful in the past around reducing acid rain, and I think we're trying to model that now for carbon dioxide.

It's economists who say that you should do this. If you want to ask an environmentalist what to do, we might well say that you should regulate industry. Certainly, when it comes to some of these things around the diesel emissions that might come from certain vehicles or whatnot, these perverse outcomes, I think that backstops need to be put in place to make sure those things aren't done.

Sometimes regulation is the right thing. When you have something like carbon dioxide, though, that's across the entire economy, a price signal perhaps is the best way to go, because it's very difficult to find the points of regulation.

Mrs. Gila Martow: Okay. You say that you're working with the federation of agriculture, and there has just been in the news the last week or two about the government cutting the subsidy to what they call coloured diesel. I wanted to know what your thoughts were on that, if you had any thoughts, because I think that that makes it difficult for our farmers.

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Mr. Keith Brooks: We work with the federation of agriculture on land use planning things as well. We've put in some recommendations around the growth plan review that's under way. We also work with them on the cap-and-trade program. They're supportive of cap-and-trade.

I wouldn't be able to speak on their behalf with respect to the issue around coloured diesel, but they're

supportive of cap-and-trade. They recognize that farmers have a role to play in this and would like to participate in the system. They, of course, would like to inform how that system is shaped. But agriculture represents a significant source of emissions here in the province of Ontario, and we need to have the farmers as part of the solution. I think that they're ready to do that.

Mrs. Gila Martow: Okay. I'm going to pass it on to my colleague. I hope when you're saying "emissions from farmers," you're not just talking about the cows.

The Chair (Ms. Soo Wong): Ms. Munro?

Mrs. Julia Munro: Thank you. I think that everyone understands that we have had a culture that took a lot for granted, including our own environment and water and things like that. People look at other jurisdictions where the matter seems to be so much more of a crisis. Is there, in your mind, a concern about the kind of laissez-faire attitude of people in our communities, because they look at this and say, "Well, we're nothing like the other areas where it's a much more significant problem"? Do you see that as a problem as we go forward?

Mr. Keith Brooks: I'm not sure that I fully understand the question.

Mrs. Julia Munro: All I was trying to do was kind of separate between our situation and others in other countries, and whether or not that creates a more challenging audience for you in terms of a level of complacency or things like that, whether that becomes an issue for you.

Mr. Keith Brooks: I think it can. I think, though, that the vast majority of Ontarians are very strongly supportive of the government taking action to deal with pollution, climate change and cleaning up the Great Lakes. We do poll people out there, and we find above 70% support for government-led action on environmental issues. We find over 80% support for taking action on climate change. The people are very much asking for this and want government to lead.

The Chair (Ms. Soo Wong): Mr. Brooks, I need to stop you. Thank you for your presentation and thank you for your written submission.

Mr. Keith Brooks: Thanks for having me.

UNITED FOOD COMMERCIAL WORKERS CANADA

The Chair (Ms. Soo Wong): The next group before us is the United Food Commercial Workers Canada. I think the Clerk is coming around with the written submission. Welcome. Good afternoon, Mr. Johnstone.

Mr. Derek Johnstone: Good afternoon.

The Chair (Ms. Soo Wong): Welcome. As you've probably heard, you have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the official third party. You may begin any time. When you begin, can you please identify yourself for the purposes of Hansard? Thank you.

Mr. Derek Johnstone: Thank you, Chair. I'd like to start by thanking the panel, Premier Wynne and the

Minister of Finance for organizing this session today and for providing the members of the United Food and Commercial Workers with an opportunity to participate in this very important process. My name is Derek Johnstone, and I have the pleasure of serving UFCW Canada as the Ontario regional director. Today I'll be speaking about our pre-budget submission that focuses on five issues: good-paying jobs, pensions, health care, child care and education.

When we talk about good-paying jobs, we must also discuss labour law and the balance of power between employers and workers. Many experts attribute unions to the rise of Canada's middle class and the general prosperity of the country. By helping more workers make decent wages with more job security, unions are largely responsible for stabilizing the economy and stimulating its growth. Because of unions, more working people can afford houses, healthier food, clothing, cars and other consumer goods. Increasing demand for these things creates more jobs and even more economic growth. Workers who are paid well and enjoy job security can afford to pay taxes to support the growth of our public services.

With that in mind, UFCW Canada is calling on the government to seriously consider card-check certification and other important labour law reforms as part and parcel of this upcoming budget. There are more than 1.6 million Ontarians who belonged to unions in 2013. These workers earned, on average, \$6.42 more per hour because their unions negotiated better wages and greater fairness in the workplace. That union advantage resulted in more than \$2.7 billion of additional income being injected into Ontario's economy in 2013. That money was spent at local businesses. It was used to buy a lot of products that are made right here in Ontario. That capacity to support the local economy is key to sustaining good jobs and supporting community services that add to everyone's quality of life.

When we talk about good-paying jobs, we also have to discuss the gender wage gap that currently exists in Ontario. In this last year, women in Ontario earned on average 68 cents to every dollar that men earned. Under the Ontario Human Rights Code, discrimination based on gender is a human rights violation, but the gender wage gap is still a reality for many of our sisters, daughters, mothers and friends. UFCW Canada is strongly urging the government to make the gender wage gap a human rights priority and, in co-operation with workers and our unions, to put together a serious plan to finally correct this issue once and for all.

On the Ontario Retirement Pension Plan, our first recommendation is to have the CPP expanded. Real retirement security in our country is rapidly declining. Pension coverage in the private sector, outside of the CPP, is almost non-existent. According to a recent StatsCan report, the incidence of low income among the elderly has risen from 7.6% in 2000 to 11.1% in 2013.

That said, the UFCW believes that the establishment of the ORPP is a positive first step forward. Thousands of

UFCW members in Ontario participate in the Canadian Commercial Workers Industry Pension Plan, or CCWIPP, which is a multi-employer pension plan. Our members who participate in this plan receive a modest benefit payment upon retirement.

We support this government's initiative to further advance retirement security as long as it does not leave anyone behind or exclude any worker simply because they receive modest benefits from a private plan.

On health care, UFCW Canada includes more than 10,000 members who work in this key sector of the economy. As many in the government will know, health care remains the single largest government expenditure. It costs our province approximately \$842 a day for a patient in a hospital, compared to \$126 a day for long-term care and \$42 a day for home care.

UFCW Canada proposes, in this upcoming budget, to absolutely maintain universal health care provisions in our province but also to increase investment in long-term care and home care. Increasing investment in long-term care and home care will lessen the burden on hospitals and also help ensure a comfortable living environment for residents and their families.

Speaking on child care, many of our members are leading young families, and they are deeply affected by the steep cost of finding care for their children. Ontarians should not have to decide between staying at home to raise their young children and returning to the workforce, where they can continue to advance their careers. For many, it's often not a choice. One parent has to stay home and put their career on hold, sometimes permanently, as child care costs continue to rise.

In the case of a single-parent family earning a low wage, the cost of child care, even if they're lucky enough to get a subsidy, becomes profoundly discouraging and even irrational.

UFCW Canada is recommending a \$15-a-day-per-child child care program. It seems like an ambitious plan. But put into context, compared to some other provinces—including Manitoba, with an average daycare space at \$631 per month; Winnipeg, at \$451; and Quebec, at \$152 per month—\$15 a day would place Ontario competitively, somewhere in the middle of the pack.

Without a doubt, one of the greatest beneficiaries of a \$15-a-day child care program would be the province's economy. More discretionary income in the hands of Ontario families means more dinners out, more movie nights, parents being able to buy electronic goods for their kids, and, when your car brakes squeal, being able to repair them on time.

When it comes to education, 40% of UFCW's membership is under the age of 30. UFCW Canada, as such, is urging the government of Ontario to lower tuition fees for post-secondary students in order to help lessen their financial burden and to see our youth start building their lives and making more significant contributions to the local economy sooner.

Information obtained from StatsCan shows that a person with a post-secondary education will earn, on

average, more than \$2.3 million over their lifetime, as compared to \$1.3 million for a high school graduate. Ontario can be a leader in the Canadian global economy by simply providing Ontarians greater access to affordable post-secondary education.

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In addition to tackling high tuition rates, UFCW Canada respectfully requests that this government turn its mind to an issue that is near and dear to us: There are approximately 30,000 seasonal agricultural workers in Canada each year, with about 70% of them working and residing right here in Ontario. Seasonal agricultural workers in Canada are without a doubt one of Ontario's most vulnerable worker populations.

UFCW Canada, I am pleased to report, is the leading force in providing education resources to seasonal agricultural workers in association with the Agriculture Workers Alliance. We operate three support centres in Ontario and also centres in BC and Quebec. Many seasonal agricultural workers are dependent on the services and assistance that only UFCW Canada and the AWA provide. Our centres provide workshops and information about CPP eligibility, parental benefits, WSIB, health and safety, and general support services like accessing information regarding payroll deductions, hours worked, statutory holidays and vacation pay entitlements in general.

The Ontario government provides numerous financial resources to the agriculture industry, but the industry does not provide any support and services to the agriculture workforce. UFCW Canada and the AWA already have the infrastructure in place. We ask the government to partner with UFCW and the AWA in order to continue providing the vital services these workers require, and to help protect the health, safety and human-rights interests of the hard-working people who make our agriculture industry possible.

In closing, once again thank you for the opportunity to provide our submission, and we look forward to your final report.

The Chair (Ms. Soo Wong): Thank you very much. I'm going to turn to Ms. Fife for this round of questioning.

Ms. Catherine Fife: Thank you very much for coming in. I appreciate the length and the research that you've provided around your recommendations. And thank you for raising the issue of the gender wage gap. This has been a very consistent stream of thought through all of the delegations. Nurses and hospital workers in particular have raised the issue that the cuts to front-line health care primarily are women working in hospitals, so thank you for addressing that; that's really important.

Around pensions, you list that your first preference would be the modernization of CPP. We also put forward that position as well. In lieu of that, though, the ORPP does seem to be going forward. There are some questions outstanding, though, as to what the ORPP is going to look like. The government originally promised that every employee would be eligible for the ORPP or a comparable plan. The latest announcement said "every eligible

employee," so we're wondering about precarious, part-time contract workers, and, as you rightly point out, vulnerable workers that are working in the agricultural sector. I wanted to just raise that with you.

This morning, the OFL mirrored your concerns as well around agricultural workers. They asked the government to follow through on a migrant worker bill of rights, because, as you've rightly pointed out, they're incredibly vulnerable.

What is your discourse with this government on some of these issues? Because they're long-standing—UFCW has been a staunch supporter of some of the most vulnerable workers in Ontario. Are you making any progress? Are they receptive to some of your recommendations?

Mr. Derek Johnstone: Thank you, Catherine. I think on your first point, in terms of the gender wage gap, it's really crucial for the committee and cabinet and the government to put this within some of their larger policy and legislative ambitions.

I mentioned labour law reform as part of my presentation, but I think it's key to view this process through that lens. I think that when we talk about the gender wage gap, you can't have a serious conversation in Ontario about that issue until we have a look at improving the ability of workers to join a union. Let's face it: At UFCW, we've been trying very hard over the past 10, 15 or 20 years to help the most vulnerable worker populations in this country, whom I would strongly argue include women who work in the retail sector. Women increasingly work for gigantic, transnational corporations—like Walmart, as an example—and their history when it comes to their employees trying to exercise their collective bargaining rights is no secret.

We need to create a better balance in this province—and in every jurisdiction in Canada, as far as I'm concerned—that reflects the new reality of who our employers are. Employers aren't Ma and Pa anymore. Employers are huge transnationals. Employers are private equity firms who live in places far away from Toronto. I think we need to do everything we can as Ontarians and, in your case, as the government, to ensure that there's a proper balance between us, the workers, and, increasingly, these transnationals who, in every manner, have so much more power than employers had a very short time ago.

Ms. Catherine Fife: You are talking about some of the most marginalized workers in Ontario when you talk about migrant workers. That was one of the reasons that we've been trying to get this government to bring forward the anti-racism secretariat and have some resources to apply some supports in that regard.

Just on card-check certification, though, this is not the first time you've asked this government to open workplaces in this way. You asked them to seriously consider card-check certification in this upcoming budget. What does that look like, and what would you like the government to do on this particular issue, Derek?

Mr. Derek Johnstone: I'd just preface my answer by saying that what we're asking for is what Ontario had for decades—

Ms. Catherine Fife: Yes.

Mr. Derek Johnstone:—until it was changed in the mid-1990s with, some would suggest, a more extreme agenda. We're really just starting to regain some rights and some ground that workers in this province always had. As I mentioned in my last comments, we're in the 21st century. Globalization is not going anywhere, and employers will continue to get bigger and stronger. We need to make sure that workers in this province have a real chance to exercise their labour rights.

The Chair (Ms. Soo Wong): Mr. Johnstone, I need to stop you here. Thank you for your presentation and your written submission.

CHIEFS OF ONTARIO

The Chair (Ms. Soo Wong): The next presenter before us is Chiefs of Ontario: Isadore Day, the Ontario Regional Chief, and Nathan Wright, CEO of Chiefs of Ontario. Good afternoon.

Mr. Nathan Wright: Good afternoon.

The Chair (Ms. Soo Wong): As you probably heard, you have 10 minutes for your presentation, followed by five minutes of questions being asked this time around by the government side. You may begin any time, sir. When you begin, can you please identify yourself for the purposes of Hansard? Welcome.

Mr. Nathan Wright: Thank you, honourable committee members. First of all, I'd just like to send regrets on behalf of the Ontario Regional Chief, Isadore Day. He had a commitment in terms of a health file that took priority. However, my name is Nathan Wright. I am the chief operating officer with the Chiefs of Ontario.

We're here to present some broad recommendations on how to make things right with the relationship between the government of Ontario, Ontarians and the indigenous peoples.

The Chiefs of Ontario are an organization that supports the collective decision-making of the 133 First Nations communities across Ontario. Before I begin, I do wish to clarify that Chiefs of Ontario are an advocacy organization for the indigenous rights holders in Ontario, but we are not a rights holder; an organization cannot hold those rights.

I make this statement just to be clear that this does not constitute the duty to consult as has been outlined in a number of court decisions over the years. Therefore, I urge honourable members to talk to all First Nations communities that may be affected by the Ontario budget. I know many of them were making written submissions, and some have even appeared.

Chiefs of Ontario, through engagement with First Nations communities, are tabling nine broad recommendations to this committee. These recommendations are made in the spirit of a historic political accord signed last year between the Premier and the Ontario Regional Chief. These are premised on the fact that First Nations must take our rightful place in Ontario.

We're at a turning point in our history, something that has been said time and time again, for years and years, over and over again. But really, what we're talking about in terms of a turning point in our history is that we are starting to see just a sliver of action—just a sliver—from the Truth and Reconciliation Commission findings that have come out this year, to all of the transparency in the mandate letters from both federal and provincial governments. We signed the political accord late last August, and we even received some strong commitments from legislators in the Leaders in the Legislature event last November.

1430

The recent decision by the human rights tribunal points to the expectation that government is starting to get things right—going back to my sliver. This must be demonstrated, though, in this budget in 2016.

Chiefs of Ontario is focused on nine major areas, which are grounded in the spirit of reconciliation and grounded in the spirit of building opportunities for our children and our young people.

This is not a presentation that should lead to budget negotiations or nickel-and-diming on certain programs and services delivered very importantly to our communities. It's about the relationship, and the expectation is the end result that we do secure our rightful place as First Nations people, which is long overdue.

Our first recommendation is simple: Let's work directly with First Nations leadership at a number of tables to look at what's actually realistic within the calls to action of the Truth and Reconciliation Commission. We see that as a very good guiding road map going forward.

Our people have been at the table for a number of different engagements. Ipperwash, RCAP, they've all come through; they all had strong recommendations. But again, we still have that sliver of hope that we'll get the investments and we'll get the resources so we can start moving forward to correct the wrongs that have occurred over the years.

We're looking in the area of justice as well so that we can start revitalizing our legal principles, legal principles that we feel will keep our community safe and secure moving forward. On the issue of safety and security, we know our nine First Nations police services are grossly underfunded. They can't do the jobs in their communities without having the adequate resources, at least on par with the provincial standards that have been put in place for municipalities as well as the Ontario Provincial Police.

The other issue that I want to bring in front of the committee is the high electricity bills within our First Nations communities—the outstanding legacy issues that the hydro dams and hydroelectricity has cost—delivery costs—and the de facto monopoly that has forced many of citizens into very challenging financial situations. We recommend extending the Ontario Electricity Support Program by raising the salary threshold for eligibility.

We're also asking for a subsidy of \$1,500 in addition per year for all First Nations households to get us out of this rut.

In terms of additional recommendations, the additional ones focus on the children, which we see as our future. We know we have to do better for them, and we know that the number of children who are in care today certainly do outnumber the number of children who were taken during the course of the residential schools. Again, the Truth and Reconciliation recommendations and the calls to action are grounded in these. Again, we're looking for strong investments to ensure that we have the coordination amongst all of our governments to make that wrong a right.

For the Chiefs of Ontario, this also means investments in education. We've been working with Ontario for the last little while to develop a strategy, a strategy that's been thoroughly developed as a means to ensure First Nations, their community members and supporting organizations are involved in the development, implementation and ongoing assessment of a joint strategy with Ontario to support First Nations learners in the provincial education system, and strengthening the relationship at all levels.

Keep in mind that this isn't a system that we developed or created; it's not one that we were involved in in the evolution. It's an excellent system for Ontarians, but when our kids don't see themselves in it, it's not going to work for them. So we've come up with a joint strategy to ensure our indigenous children see themselves in that system.

Finally, I'd like to take a few moments to talk about the three final points. First is health care access for First Nations. We need immediate investments at this time for palliative and home care for our seniors. Right now, the federal government, through the NIHB Program, does not provide adequate funding for palliative care and home care so that our seniors can live in dignity. We're asking for immediate investments to right that wrong. Right now, care for our elderly falls on the families and the youth who are already stretched thin with a number of obligations and little means to meet their needs.

Reconciliation goes beyond the TRC and includes Ontario fully implementing the Ipperwash recommendations and continuing down the path of reforms on consultation and accommodation of members, especially for the engagement, and the environmental sector as well. We're looking for full involvement on that decision-making, as well as their investments.

Finally, we'd like to reinvigorate discussions on resource revenue sharing so that we can, as per the treaties, share in the wealth that comes from the indigenous territory on which I am standing today.

Honourable members, I thank you for inviting me here today. I recognize you may have questions, so I turn the floor back to you.

The Chair (Ms. Soo Wong): Thank you very much, Mr. Wright. I'm going to turn to Ms. Vernile to start this round of questioning.

Ms. Daiene Vernile: Nathan, thank you so much for being here today. We are honoured to have you here and to hear all of your important recommendations.

I took the opportunity of reading your pre-budget submissions to Ottawa and I see a lot of the same themes there: You're concerned about water, poverty, mental health and addiction, autonomy over resources and access to technology. All of those are very important. I understand that the overarching theme is that you're looking for sufficient, predictable and sustained funding for First Nations communities across Canada.

Considering all this, we do have a new partner in Ottawa and we have fairly newish leadership here in Ontario. They both expressed a willingness to listen and to work with First Nations leadership here. Can you compare and contrast what it was like in the past to where we're at now and where you'd like to be in the future?

Mr. Nathan Wright: I think this relates back to that sliver of hope that I talked about in my presentation, because in the past we've gone through similar exercises, as I presented today, but I feel that the difference in terms of the here and now is the aspect of the willing partner. The willing partner going forward on a number of fronts is refreshing, because we are seeing that sliver of investment hitting some of our communities. We're seeing some of these major projects come down.

But we need to see a whole heck of a lot more in terms of being able to secure what we call our rightful place. We've gone beyond closing the gap. We've identified the gap, and through the 2000s to 2008, there was this initiative to close the gap. We don't want to close that gap anymore. What we're talking about is that we actually have to start securing our rightful place in Ontario. As we move forward in our particular strategies and as we continue to present these findings, we're hoping that the willing partner actually turns that sliver of action into a broad spectrum of action, because we're ready, we're at the table. We're ready to get moving on all of these investments that have been called for by the Truth and Reconciliation Commission and through the tribunal decision last week. So we're ready to go.

Ms. Daiene Vernile: Nathan, on that point on taking your rightful place, you used the term looking at "realistic" approaches. Drill down for us. What do you mean by that?

Mr. Nathan Wright: Well, we know that we can't get this all done in a single term and in a single budget cycle. We need the assistance of governments to come to the table with us and work in a very strategic and prioritized manner, to ensure that where we hit with the investments now is actually hitting our community.

I take, for example, housing. Housing is a need across Ontario, in particular northern Ontario, where there are remote communities. There are particular challenges and innovations that we need to work together on to ensure that we find cost-effective measures to get the supplies and the equipment into remote communities, so that they can effectively build for the housing needs they have. It

is deplorable up there when you go up and you look at the housing needs within our indigenous communities. That's what I mean: Let's prioritize this in terms of looking at the investments that we can hit now.

To me, that's the single number one need, because so many boxes get checked off on the TRC recommendations when you have adequate housing. You won't need to apprehend the child anymore because there's proper housing within the First Nations communities.

Ms. Daiene Vernile: Considering the leadership that we have now in Ontario and in Ottawa, are you hopeful that things are going to change for you?

Mr. Nathan Wright: I want to get beyond hopeful. I actually want to get to work.

Ms. Daiene Vernile: Okay, very good. I thank you very much for coming here today and sharing your lived experiences with us. I'm sure that we're going to get things done for you and that, like you say, you will take your rightful place. Thank you.

1440

The Chair (Ms. Soo Wong): Mr. Wright, thank you very much for your presentation. Please send our very best to the chief. I also want to let you know that a significant number of your colleagues came before this committee in Sault Ste. Marie. I believe we're the first committee, in the last two years, that has been advertised in the Turtle News, your local paper—

Mr. Nathan Wright: Turtle Island News?

The Chair (Ms. Soo Wong): —to promote the finance committee, just so you know, the last two pre-budget consultations—last year and this year—so we've been getting really good representations.

Thank you very much for being here. If there are any written submissions you'd like to pass on to the committee, please do so by 5 o'clock today.

Mr. Nathan Wright: Okay. Thank you.

CUPE ONTARIO

The Chair (Ms. Soo Wong): The next group before us is CUPE Ontario, Mr. Fred Hahn, as well as, I think, your colleague. Mr. Hahn, your colleague can come forward.

Interjection.

The Chair (Ms. Soo Wong): Mr. Clerk, I heard the chief say he had a handout for us. Can you double-check so that the committee has the presentation from Mr. Wright?

Sorry, Mr. Hahn. I just want to make sure we have the submission.

Mr. Hahn, as you know, you have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the official opposition party. When you begin, can you please identify yourself as well as your colleague for the purposes of Hansard? Welcome, and thank you.

Mr. Fred Hahn: Thank you very much. Good afternoon. I'm Fred Hahn. I'm the president of CUPE

Ontario. With me today is Daniel Crow, who is the senior researcher who helped in writing our brief.

CUPE, as you well know, is the largest union in the province. We have more than 250,000 members in communities large and small. Our members provide care for Ontarians in hospitals, at home and in long-term care. We provide support and help to educate the next generation from their first day in a child care centre through primary and secondary school all the way through to university. We keep the lights on, help keep the water clean, help keep neighbourhoods safe, and provide emergency medical services when needed. We make life better for people with developmental disabilities and protect children at risk. CUPE members are hard at work every day to help make Ontario a better place to live.

That work is getting harder and harder each year because of decisions made in budget processes like this one. Austerity budgets, which have been adopted by the government for the past six years, simply aren't working. They strip money out of the economy and out of the pockets of hard-working people. Cutbacks have caused severe harm to the people of the province.

The global economy is in turmoil, and further austerity measures will prevent Ontario from weathering that storm. Commodity markets are weak. The value of the Canadian dollar is low. Growth is lagging in many key areas. The direction that the government has taken over the past six years will only make the province more vulnerable to these global threats.

Now, it's true that some have benefited from the government's priorities. Corporate tax cuts have handed over \$2 billion to profitable corporations. The problem is, they haven't invested that in the real economy. They have hoarded it or they've used it in non-productive speculative ventures. The loss of revenue due to corporate tax cuts has been used as a justification for cutting funding to important services that people need.

It's time for the government to ask a very simple question: Whose side are you on? Will you continue to govern solely in the interests of a few, or are you prepared to govern in a way that benefits people and our communities and our future? Will you continue down a failed path of austerity, or are you ready to try an alternative? Because Ontario has choices and there are real alternatives.

We propose that the government abandon austerity and instead implement a budget that invests in people, stimulates the economy and immediately provides improvements to people's lives. That alternative approach begins by abandoning the arbitrary date of 2017-18 for balancing the budget. A recent report by the Canadian Centre for Policy Alternatives clearly shows that Ontario's debt load is not at a crisis point. In balancing by 2017-18, the government would have to make even more drastic cuts to expenditures, which would be disastrous.

Alongside this recommendation, we have four main areas, all of which are articulated in our brief, that we'd like to group our recommendations in.

The first is to increase revenues for government, notably by restoring corporate tax rates to 2010 levels. Now, it will come as no surprise to some of you that we are recommending increasing corporate income tax rates. We have been making this key recommendation in our budget submissions for a number of years.

Discretionary cuts to corporate income tax rates have now deprived the Ontario economy of \$2 billion a year, adding up to \$10 billion since these cuts were first made. Had the government kept the income tax rate for corporations at 2010 levels, there would be no budget deficit today. There would be money to start to reinvest in services.

Lost revenue is not the only reason for this policy failure. Recent research has demonstrated that there is no correlation between low corporate income tax rates and rates of investment. In fact, it's far more likely that higher corporate taxes correlate with higher rates of investment.

The second line of recommendations is to end the practice of privatizing public services and selling public assets. The Auditor General has identified that the use of public-private partnerships has cost the people of Ontario over \$8 billion more than if those projects had been built with traditional public sector mechanisms. P3s are an example of how government is actually redistributing wealth: from the public to a few in the business community. These projects are a waste of financial resources.

The sale of public assets, we believe, should also be stopped. The sale of Hydro One will deprive the government of significant revenue streams permanently in exchange for one-time cash. But it also deprives the government of control over a key lever of the economy and a key feature in planning an environmentally sustainable future. In Europe, utilities that had been previously privatized are now being brought back under the public realm because of their strategic environmental importance.

Nor should we accept the view that this is simply asset recycling or that government is better at realizing the value of an asset. We realize the value of assets by holding onto them and by reaping the benefits we get from them collectively as an investment. That is the prudent thing to do.

At last count, 85% of people across the province of Ontario were opposed to the sale of Hydro One, and it's not too late to keep hydro public. This budget offers the government an opportunity to press "pause" on its plans.

The third part of our alternative economic plan is to urge the government to invest in public services. Expenditures on public services cycle through the economy in a number of ways. Public services help to augment people's incomes. Even with the cuts that we've seen, each individual in the province reaps approximately \$17,000 in benefits from the public services available to them. For a median family with a median income, that benefit is \$41,000. When workers don't have to go out of pocket to pay for health care or education, there's more money to spend on other goods and services. There are

profound economic advantages to spending on public services, and we have identified several key areas of recommended investment in our written submission.

The fourth part of our plan is to prepare a budget that actually gives everyone a raise, to create good jobs in communities and to help our economy. It means ending a reliance on precarious work and improving wages. We've been through six years of net-zero wage policies, and it is time for this to end.

Our members work providing quality services, and a great many of our members still have very low incomes. Support workers in schools, cleaners in hospitals and universities, home care workers and social service workers aren't earning high salaries, and six years without real improvements to their incomes is punitive and it hurts.

There must be also be dedicated funding to support pay equity. Years of freezes have blocked the ability of broader public sector employers to meet pay equity requirements, which is the law. The government must provide funding to eliminate the gender wage gap.

A real effort must be made for a poverty reduction strategy. Social assistance rates need to be increased by 58% in order to restore them to the value that they were prior to the cuts of 20 years ago.

There must a comprehensive strategy to reverse precarious work. In 2013-14, 44% of all government job postings were for temporary positions, contrary to any stated goals of creating good jobs for people. There's a growing tendency towards precarity. It leads to lower incomes, no access to benefits or pensions, and higher levels of stress for those who constantly fear that they'll lose their job when their contract runs out.

It's time for the government and all employers in the broader public sector to be model employers, to create full-time jobs with guaranteed hours of work, access to benefits and pensions. It would make a world of difference to workers, to the services we all rely on, to our communities and to the economy as whole.

If the government is serious about being progressive, if you're serious about wanting to enhance the well-being of the people of Ontario, you cannot continue to go down the road of austerity. You will need to change course and to implement the recommendations that we have included in this submission. The choice is yours.

Thanks very much.

The Chair (Ms. Soo Wong): Thank you very much, Mr. Hahn. I'm going to turn to Ms. Munro to start this round of questioning.

Mrs. Julia Munro: Thank you very much. When you were going through these things, I wondered if you had established a priority, since they're pretty broad and far-ranging, obviously, the suggestions that have been made, the recommendations. Can you think of one or two that would be the top of the list?

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Mr. Fred Hahn: Given the extensive feedback from the Auditor General—the waste of public money that comes from privatization of public services, from using the P3 funding model; that we've overspent by more than

\$8 billion to build projects that could have been built in traditional methods—there seems to be a clear, concise and easy way for the government to act immediately, to fund infrastructure and fund projects in a way that is much more cost-effective and to ditch the P3 model.

The sale of assets, the current proposed sale of Hydro One and the impacts that that will have not only on government revenues, but on all parts of the economy—there's an opportunity for the government today to just press "pause" on that plan and to re-evaluate where it goes.

There are some strategic investments in public services that have real benefit to the economy. Every dollar we invest in child care generates more than \$2 in the economy in terms of people's ability to actually spend in the economy. That's one example of many.

We know that there are real needs for seniors in long-term care and in home care. We know that many small communities have real needs in their hospitals.

We keep cycling down when, in fact, if we make investments, those investments will work their way through the economy to help us all cycle up.

Mrs. Julia Munro: Have you had any indicators from the government, particularly on the infrastructure and the P3—a response to the auditor and her findings? Have you had any sense of interest or concern about that from the government?

Mr. Fred Hahn: No, we have not—not yet. We will keep trying.

Mrs. Julia Munro: The other thing I wanted to ask you was, many people have identified the situation that people find themselves in where they have more than one job. I've talked to people in my riding who have two or perhaps even three jobs that they juggle. Are these people who should have an ORPP?

Mr. Fred Hahn: I think that retirement security is important for all people who work. There are a couple of issues, of course. The fact that people have to piece together portions of jobs in order to support themselves and their families is a real concern. It's where a concrete strategy to end precarious work is quite important.

In relation to retirement security, the very best way, the most efficient way—the way that any expert who ever looked at retirement security would say—is to enhance the CPP. It is a universal plan, well founded, cherished across the country. To introduce an Ontario plan, particularly when there is a federal government that is now saying it may be interested in looking at the CPP, seems to be counterintuitive to that—and particularly to introduce a plan that is not universal, that leaves workers behind, whether they be part-time workers, precarious workers, or some workers who may have some small retirement benefit that exists today that is not going to be sufficient to ensure that they don't retire into poverty.

Mrs. Julia Munro: Thank you.

Mrs. Gila Martow: Do we have more time?

The Chair (Ms. Soo Wong): One minute. Ms. Martow.

Mrs. Gila Martow: I would just want to continue that vein of conversation. I quoted earlier to the minister, when he was here, the headline today in the National Post that is questioning the ORPP and saying that the government just needs it as some kind of revenue tool, to fund their infrastructure projects.

I have it right here: "Ontario Pension Plan Not About 'Helping' Retirees, but Financing Infrastructure." So there you have the answer, which is what the PC Party has been saying all along: It doesn't make sense; it doesn't make financial sense. What makes sense is to get a robust economy throughout the country and improve the CPP as much as we can, for all Canadians.

Mr. Fred Hahn: Certainly in the previous iteration of the federal government, where the chances to expand the CPP were dismal, having the fortitude to go forward and say that we need something for the people of Ontario was something that was important.

We're in a different time now. The mechanism to improve retirement security has to be one that's not just going to do that for some but do that for all. A plan that is not universal—the costs of that plan alone, tracking workers as they may move in and out of that plan through the course of their working lives, will mean that that plan is inefficient on its face. That's why the CPP, a universal plan, is more efficient and is the best mechanism.

The Chair (Ms. Soo Wong): Mr. Hahn, thank you very much for your presentation and your written submission.

ONTARIO KOREAN BUSINESSMEN'S ASSOCIATION

The Chair (Ms. Soo Wong): The next group before us is the Ontario Korean Businessmen's Association: Mr. Don Cha, the general manager. Welcome. I believe the Clerk is coming around with your written submission.

Good afternoon. As you probably heard, you have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the third party. You may begin any time. When you begin, please identify yourself for the purposes of Hansard. Thank you.

Mr. Don Cha: Good afternoon, members of the committee and Madam Chair. Thank you for the opportunity to present to you today. My name is Don Cha. I'm the general manager for the Ontario Korean Businessmen's Association, also known as the OKBA.

The OKBA has presented to the finance committee before, and we will likely do so again in the future. Before I go into the details of our submission and propose some possible solutions, I first want to tell you a story—a story that has repeated itself hundreds, if not thousands, of times. It involves Korean-born people like myself. We envisioned living in Canada so that we could build a better life than what we had back home. Starting in the 1970s, tens of thousands of Koreans immigrated to Canada, with the majority settling in Ontario. Today, it is estimated that more than 100,000 Korean-born nationals

now call Ontario home. Koreans by nature are hard-working and humble people. We did not come to Canada asking for handouts or any special treatment. We play within the rules and seek a fair shot at success like all Canadians, regardless of their background, religion or what we do to generate an income for our families.

With a strong work ethic and an entrepreneurial spirit, many Korean immigrants ended up owning and operating small convenience stores. At our peak, we had more than 2,000 Korean families who owned and operated independent convenience stores across the province, in cities and small towns of all sizes. With a few exceptions, we have members in every riding across the province, and most likely in each of your ridings. Our members operate their businesses like many small business owners. They work long days, often seven days a week, and keep their stores open for long hours, often maintaining 18-hour days.

As you know, convenience stores can be a cornerstone of a community, particularly in smaller towns. Our owners know many of their customers on a first-name basis, and see hundreds of people every day. Our members know better than most the inevitable changes that are impacting the retail landscape and people's buying habits. As a result, our members' stores are diversifying the products they sell in order to stay in business. Gone are the stores that just sell lottery tickets and newspapers.

However, a significant portion of our revenue still comes from the responsible sale of licensed and taxed tobacco products. The issue that I want to highlight this afternoon is the problem that contraband tobacco continues to cause for our members' businesses.

I mentioned earlier that when our association was at its largest, we had over 2,000 members. Today, less than 1,500 stores remain in operation. Some 25% of our member stores have closed since 2009. While the challenges of operating a retail business nowadays are complicated, the single biggest reason our member stores are threatened is because a significant number of smokers in Ontario are seeking out and purchasing unregulated, untaxed and illegal tobacco—contraband tobacco that, despite repeated government commitments at both the provincial and federal levels, continues to be readily available in communities across the province.

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Contraband tobacco comes in many forms and, as you know, is widely distributed by organized crime groups, who profit by millions of dollars annually. Society loses when these people are allowed to do their business with little or no interference from law enforcement or government. Combined, it is estimated that governments lose in excess of \$1 billion annually in lost tax revenue.

Government's increased efforts to limit tobacco to youth is compromised when illegal products are readily sold in parks, schoolyards or even out of high school lockers. This problem is not new, and we know that the government and members from all opposition parties are aware of the threat of contraband tobacco.

We also know that this government has made announcements in the past to combat contraband tobacco,

and we applaud them for that. Just last week, we learned that a 2015 budget promise to create a dedicated OPP anti-contraband unit is being followed through on. This is a great initiative. We wish it could have been done sooner and, if required, expanded. After all, Ontario is a big province. More needs to be done.

We also would like to recognize and applaud MPP Todd Smith's Bill 139, the Smoke-Free Schools Act. Mr. Smith recognizes that one segment of the population that suffers most from the growth of the contraband tobacco market is our youth. Convenience store owners, including our OKBA members, diligently check the ID of our customers to make sure minors are not sold legal tobacco. Sadly, those that trade and sell contraband tobacco do not. Mr. Smith's bill focuses on increased fines for transporting contraband tobacco, and some financial incentives for local police to get involved in the fight against contraband tobacco will be welcome measures.

As far as this year's budget is concerned, we ask for consideration on the following points:

First, do not increase any taxes on legal tobacco products. When governments add new tobacco taxes, we see an immediate loss in business. The loss in sales of legal tobacco is made worse by our customers frequenting our stores less often for other household purchases. New taxes should only be considered when a permanent reduction in contraband tobacco levels has been achieved.

Second, increase enforcement and fines for those trafficking. All police must have the resources to start fining individuals, not just the dealers of illegal tobacco. The province has fines and penalties in place but rarely are they enforced or publicized. If there is little or no deterrent to purchase illegal tobacco, what will motivate people to stop purchasing it? Support the initiatives behind MPP Todd Smith's private member's bill, Bill 139, and increase the penalties against those that traffic illegal tobacco.

Third, partner and collaborate with the federal government. Ontario has been the front line of the war against contraband for some time. When you communicate with your new federal counterparts, please educate them about the significant problems associated with contraband tobacco. Working with your federal counterparts, we hope someone will eventually address the illegal, unregulated, untaxed manufacturing operations that currently exist on First Nation lands. We understand it is a sensitive issue, but it must be dealt with.

Regrettably, some of our members who closed their stores have actually gone back to Korea. Those of us who remain are proud Canadians and proud to call Ontario home. We look forward to doing our part to help our economy grow and, with your help and leadership, partnering for brighter days ahead.

Thank you for the opportunity to present today. I welcome any questions you may have.

The Chair (Ms. Soo Wong): Thank you very much, Mr. Cha. I'm going to turn to Ms. Fife to ask you some questions.

Ms. Catherine Fife: I just wanted to thank you. Your presentation is very clear. We have been supportive of MPP Todd Smith's private member's bill, and we do believe that enforcement is one of the key issues.

Your membership—you're the Ontario Korean Businessmen's Association?

Mr. Don Cha: Yes, ma'am.

Ms. Catherine Fife: Do you have any businesswomen in your association?

Mr. Don Cha: Well, this has been called this for the last 40 years, so—

Ms. Catherine Fife: So it's just a name, but there are women.

Mr. Don Cha: It's just a name, yes.

Ms. Catherine Fife: I want to thank you for the work that you do in ensuring that you get age of consent when you do sell the products, because that's a key issue, and it's a key issue that's assigned with Mr. Smith's private member's bill.

Mr. Don Cha: Thank you.

Ms. Catherine Fife: Thank you very much, Mr. Cha.

The Chair (Ms. Soo Wong): Thank you very much, Mr. Cha, and for your written submission as well. Thank you for being here.

DUCKS UNLIMITED CANADA

The Chair (Ms. Soo Wong): The next group before us is Ducks Unlimited Canada. I believe we have Lynette Mader and Kevin Rich. The Clerk is coming around with the written submission. Good afternoon. Welcome.

I'll just give you quick instructions. You have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the government side. You may begin any time. When you begin, please identify yourself for the purposes of Hansard.

Ms. Lynette Mader: Thank you. Madam Chair, members of the standing committee, my name is Lynette Mader, and I'm the provincial manager of operations for Ontario for Ducks Unlimited Canada. I'm here today with my colleague Kevin Rich, who is our provincial policy specialist in Ontario.

Mr. Kevin Rich: Good afternoon.

Ms. Lynette Mader: Thank you for the opportunity to speak here today. February 2 is World Wetlands Day, so it's appropriate that we're here today. We have to share the day with Wiarton Willie, and I'm always a little bit jealous; he tends to get more press than we do.

Ms. Daiene Vernile: Some weather-predicting ducks, maybe.

Ms. Lynette Mader: That's right. That's what we need.

We'd like to congratulate the government on moving forward with several key environmental initiatives, including Ontario's climate change strategy, the Great Lakes Protection Act and committing to reverse the loss of Ontario's wetlands. Successful implementation of these initiatives will certainly require significant resour-

ces. However, we propose that an increased investment in wetlands and other natural assets is an investment in the future—an investment that will underpin the Ontario economy, on top of providing substantial social and environmental benefits.

We commend the Ontario government for their commitment to make a historic investment of \$130 billion over the next 10 years in Ontario's infrastructure. This level of investment is clearly important to sustaining the Ontario economy, enhancing Ontarians' quality of life and adapting to climate change. But Ontario's real infrastructure includes much more than bricks and mortar and pipes and pumps. Ontario's infrastructure assets also include natural systems such as wetlands.

Natural green infrastructure like wetlands provides many of the same benefits and services that conventional grey infrastructure provides, such as protection from flooding and drought, erosion control, cleaning our water supply, and capturing and storing carbon. At the same time and at no additional cost, wetlands provide many co-benefits that grey infrastructure may not provide, such as improved biodiversity and habitat, healthy Great Lakes, healthy watersheds, enhanced recreation opportunities and overall quality of life for Ontarians. People need nature.

Despite the proven societal benefits provided by wetlands, the cost-effectiveness of wetland infrastructure and current habitat protection policies, wetland loss continues in southern Ontario. In some counties, the loss is upwards of 95%. If this trend is not reversed, the environmental and social consequences will be substantial.

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There is also an economic and cost-savings argument in favour of wetland conservation. Ontario-based research by Ducks Unlimited demonstrated that investment in wetland conservation reduces the public investment required to build and maintain traditional grey waste water infrastructure in Ontario. The study confirmed that ecosystem services provided by existing wetlands clearly help to reduce the amount of phosphorus entering Ontario streams and rivers, which is a growing threat in the Great Lakes basin.

For more than four decades, Ducks Unlimited Canada has played an instrumental role in securing substantial investments for Ontario's wetlands. Since 1986, almost \$200 million has been invested in Ontario through the Eastern Habitat Joint Venture, in which the Ontario government and Ducks Unlimited Canada are important partners. Through the North American Wetlands Conservation Act, we can leverage up to US\$3 for every Canadian dollar of match that we provide through our organization, and at today's exchange rates, that's a pretty good deal. This has translated into more than \$75 million of US funds being invested in Ontario's natural heritage features and Ontario wetlands.

Wetland restoration also generates jobs for Ontarians. For example, in 2009 and 2010, a \$4.3-million investment in wetland restoration by the federal government

and Ducks Unlimited Canada provided 10,600 days of work for an additional 900 Ontarians. We feel this sets a clear precedent for a return on investment when public dollars are invested in wetland infrastructure. Furthermore, the insurance sector has determined that investment in wetland conservation is part of the solution to adapting to a changing climate and the associated escalation in claims for flood-related property damage.

I still have neighbours who don't believe in climate change. When we get into debates over our wine-and-cheese evenings on the weekend, I say to them, "You don't have to believe me; believe your insurance adjuster."

Interjection.

Ms. Lynette Mader: Yes, sometimes, in their opinions.

According to a recent report by economist Mark Anielski, for every dollar invested in DUC's wetland conservation efforts, society enjoys a \$22 return on investment in terms of ecosystem goods and services. That's a pretty good return.

Mr. Kevin Rich: Therefore, in order to capitalize on the economic, social and environmental benefits of natural green infrastructure, we recommend that the Ontario government do the following:

Firstly, commit to a substantially higher investment in Ontario's natural infrastructure assets, and specifically wetlands, to address water-related challenges and build community resiliency, including wetland protection, restoration and management. Ensure that natural green infrastructure projects are eligible for provincial infrastructure program funding, particularly programs dealing with water management, such as water quality measures, stormwater management and watershed-related programs.

We urge the government to give strong consideration to allocating a portion of the proceeds generated by the future cap-and-trade system towards programs to protect and restore wetlands, based on the proven ability of wetlands to assist in both the mitigation and adaptation of impacts associated with climate change. In our opinion, this would be a key step forward in the implementation of Ontario's new climate change strategy and to help communities to mitigate and better adapt to the impacts of a changing climate. We note that the state of California, one of Ontario's key partners in the forthcoming cap-and-trade system, has allocated revenue from their cap-and-trade system towards wetland conservation through their wetlands and watershed restoration program. For the 2016-17 fiscal year alone, the state of California has budgeted \$60 million for this program—that's six-zero million dollars.

Secondly, we recommend that the government ensure that all investments of public funds in infrastructure result in a net gain of wetland area and function. This outcome can be best achieved by the implementation of a mitigation-compensation hierarchy, which is currently being considered by the Ministry of Natural Resources and Forestry as part of their wetland framework review.

In this approach, in a nutshell, the sequence works like this: Avoidance of wetland impacts is the first priority. Minimization is the second step, where you can't completely avoid impacts. Thirdly, as the option of last resort, compensation or offsetting is allowed when there will certainly be some unavoidable impact. We also think this will be a critical way to engage the industry sector in the needed changes around wetland policies and programs.

Thirdly, we recommend that the government actively pursue current legislative and policy initiatives to advance the conservation of wetlands and other natural green infrastructure, including via the Ontario wetland framework review that I just mentioned; the 2015 coordinated review of the growth plan, the Oak Ridges Moraine Conservation Plan, the Greenbelt Plan, and the Niagara Escarpment Plan; and, thirdly, the implementation of the climate change strategy.

Finally, we recommend that the Ontario government allocate adequate funding to the Ministry of Natural Resources and Forestry and the Ministry of the Environment and Climate Change so they can effectively implement the programs they oversee. In recent years, these two ministries were only allocated a combined average of about 1% of the total provincial budget, despite being given additional responsibilities and programs to deliver over that period; for example, implementation of the Great Lakes Protection Act.

In summary, Ducks Unlimited strongly believes that a substantial investment in wetlands and other natural green infrastructure is sound fiscal policy that will strengthen the economy and provide a strong return on investment. Such an investment will also enhance Ontarians' quality of life and bolster Ontario's ability to mitigate and adapt to a changing climate. New thinking and approaches on how we design, build and maintain infrastructure are urgently needed to address these challenges.

On that note, we'd like to thank you for the opportunity to present our input to the committee, and we would certainly welcome any questions from the committee.

The Chair (Ms. Soo Wong): Okay. I'm going to turn to Mr. Milczyn to begin this round of questioning.

Mr. Peter Z. Milczyn: I want to start off by thanking you for your presentation. You raised a lot of issues that are near and dear to my heart. I'm the MPP for Etobicoke-Lakeshore. I believe you've actually funded some remediation/mitigation projects along Mimico Creek and Etobicoke Creek and Lake Ontario in my riding. We've actually had great success in an urban environment of mitigating the impacts of new development and re-creating wetlands where they were destroyed generations ago. So you raised a number of really good issues.

I just wanted to say that through our \$130-billion infrastructure program that we've laid out and that we're working on, I know Minister Murray has been speaking to Minister Duguid about ensuring that part of our focus of the infrastructure program is resilient infrastructure, so

not just building pipes, but making sure that what happens around our infrastructure uses natural processes to be able to mitigate the impacts of climate events and so on. Have you observed in some of the infrastructure projects that have been built around the province with this funding that there is a move among various municipalities, as well as the province itself, to put in place strategies for resilient infrastructure?

Mr. Kevin Rich: I'll speak to one example, because I know it well and I drive it every day to and from work. It's a provincially significant wetland which a road currently runs through, and that road is now totally inadequate in size. MPP Ann Hoggarth will know this site. It's Mapleview East. That road is in the process of being expanded to four lanes, I believe. So there will be a clear impact on that wetland, and it is unavoidable. That road needs to stay where it goes. It's a clear example of when we think a mitigation sequence is ideal. As I understand, between the municipality and the local conservation authority, there has been a plan put forward that will compensate for that lost wetland area and function by doing restoration work elsewhere in the watershed. So I think that's a great example.

Ms. Lynette Mader: If I might add to it, we are seeing an interest in municipalities in pursuing more innovative stormwater systems, so we're seeing prettier stormwater ponds, not the traditional cement swimming pools. They tend to be just that: prettier stormwater ponds. We feel that there's an opportunity to use those types of systems and incorporate wetland features so that they provide all the stormwater benefits as well as the properties that function as wetlands. There is a precedent for that in the city of Winnipeg. Our organization has been working with the city for over a decade. We've been in discussions with the home builders' association, but one of the concerns is that the current stormwater legislation is somewhat outdated and doesn't provide for innovative thinking. There's lots of room to do new and innovative things.

1520

Mr. Peter Z. Milczyn: The review of our greenbelt legislation, which is one of the signature hallmarks of our government, is under way this year. It's been made very clear that there is going to be no net increase to developable lands through that, that the green areas we have identified, that net—we want to maintain that, if not improve it.

Could you maybe say a little bit about what you would like to see through that review that could assist us with mitigating the impacts of development in the areas where it's permitted?

Mr. Kevin Rich: Sure. At a real high level, I guess our main comments are in two parts. First, that there would be no scaling back of the level of protection that's in the Greenbelt Plan and the other two plans, the Oak Ridges and the Niagara Escarpment plans, because they are very solid. We helped to do some research on measuring the outcomes of those plans in terms of wetlands, so we don't want to see scaling back there.

Outside the greenbelt area—in the greater Golden Horseshoe, the bigger geography—we advocate for increased protection through the application of a mitigation sequence. So again, this notion of avoid where you can, minimize where that's not possible and compensate only as a last resort. Those were some of the key pieces from our submission.

The Chair (Ms. Soo Wong): I'm so sorry, Mr. Rich and Ms. Mader. Thank you for your presentation as well as your written submission.

Ms. Lynette Mader: Thank you.

Mr. Kevin Rich: Thank you.

ALZHEIMER SOCIETY OF ONTARIO

The Chair (Ms. Soo Wong): The next group before us is the Alzheimer Society of Ontario. The Clerk is going to come around with the written submission. Good afternoon; welcome. I'm just going to let you take a seat before I give the instructions.

As you probably heard, you have 10 minutes for your presentation, followed by five minutes of questioning, this time around from the official opposition party. When you begin, can you please identify yourselves for the purposes of Hansard? You may begin any time, and welcome again.

Ms. Delia Sinclair Frigault: Thank you very much. My name is Delia Sinclair Frigault, and this is David Harvey. As you heard, we're from the Alzheimer Society of Ontario. First, we'd just like to thank you for this opportunity to share our thoughts on the priorities for the upcoming budget.

As you know, the Ontario economy faces significant challenges, and we understand the government's commitment to reduce the deficit that lingers from the last recession. On the other hand, positive fiscal actions by government are important to move Ontario's economy forward.

Last spring, for the first time, people with dementia visited Queen's Park as part of the Alzheimer Society day at the Legislature and urged you as members to work with them to do something about dementia.

More Ontarians are developing dementia. Today, more than 220,000 Ontarians aged 65 and over live with the disease. That's one in 10 older adults. Four years from now, in 2020, one quarter of a million older adults in Ontario will be living with dementia. This is a 13% increase from today. Most of these people will be living in the community where family and friends will be supporting and caring for the majority of them. Among persons living in the community with a diagnosis of dementia in 2013, almost 9,000 were under the age of 65. The number of people with younger-onset dementia continues to grow.

Yes, there are great needs, but we also have grown some great solutions in Ontario, solutions that are proven and worthy of greater investment, not only to improve health care but also to support our workforce.

Today, we will be providing information and an overview on how you can better support caregivers, and particularly caregivers who are still active participants in the labour market. These two proposals are available to you, with more appropriate financial recommendations, through our written submission provided electronically directly to the Clerk, for your more detailed consideration.

This year, Ontarians caring for family members and friends with dementia will contribute approximately 120 million unpaid caregiving hours. Many of the hours are from working people. As evidenced by last year's Health Quality Ontario report, 33% of people who provide unpaid care over a long period of time to home care patients reported feeling distress, anger or depression. This is up from 16% in the year 2008.

Labour shortages are occurring in several economic sectors, and the Conference Board of Canada, among many others, predicts ongoing shortages. Strategies to address workforce shortages include immigration, education and skills training, and services like daycare and junior kindergarten. Another strategy is to retain the older and skilled workforce in active employment.

In 2014, the Legislature passed an amendment to the Employment Standards Act known as Leaves to Help Families. This amendment provides for leave of up to eight weeks for workers who provide care to family members with chronic or serious health conditions. In addition, Bill 138 is currently before the House to establish a family caregiver day, which would recognize and celebrate Ontarians who perform this important role.

There are two basic strategies to help caregivers. One improves their ability to manage, and the other reduces the load they carry. The Alzheimer Society and its partners have experience in doing both.

One strategy is to work with our partners to reach caregivers as soon as dementia is diagnosed and, through our First Link program, provide education, support and access to other services. Since 2011, our 30 local Alzheimer Societies have enrolled 60,000 Ontarians into the First Link program. One of the most successful partnerships is with the 77 primary care memory clinics across Ontario, where we work with teams to make diagnosis and support more accessible and earlier.

We have developed these partnerships without any additional resources, but we are struggling to manage the growth. One primary care practice, for example, increased referrals to the society by 900%. We are approaching the Minister of Health and Long-Term Care to support this partnership so that we can continue our successful effort to support caregivers who provide care while remaining employed.

We are also looking forward to ministry assistance to expand our partnership with the Reitman Centre of Mount Sinai Hospital to extend its CARERS Program and, eventually, its workplace program, now in the pilot phase. Already, our local societies in Brant, Haldimand, Halton, Hamilton and Norfolk, as well as Waterloo Wellington, have initiated this program with local resources.

But capable caregivers also need concrete help. Respite enables caregivers to refuel their reserves and continue in their caring role. Limited respite that meets the varied needs of caregivers has been available, and we acknowledge this government's past support in this area. But as the expert panel's report, *Bringing Care Home*, acknowledges, respite care needs to be affirmed as a priority and made more flexible to meet caregiver needs, distinct from the person with the health need to whom they provide care.

To accelerate this change, we propose that the government establish a respite innovation fund. This fund would have two purposes: to seek out and grow existing programs that offer flexible and more caregiver-oriented service, or, where absent, to encourage new programs that meet certain principles, including putting patients and caregivers first; driving greater quality, consistency and transparency; modernizing delivery; and maximizing value.

Premier Wynne has made an Ontario dementia strategy one of her government's priorities. We welcome Minister Hoskins's leadership and that of his parliamentary assistant, Indira Naidoo-Harris, on this file. Through them, we are also forging collaborations with a range of ministries who touch the lives of people with dementia and their families. These include the Ministries of Transportation, Municipal Affairs and Housing, Labour and, of course, seniors affairs. Though the strategy will not be finalized for another year, caregiver supports are a recognized priority. Early investment in this known area should not be considered premature but rather a signal of meaningful engagement by responding to what caregivers are telling the government they need.

Madam Chair and members, investing in caregivers is not just a social investment; it is an economic investment. It enables workers to remain active in the economy, and it enables caregivers to continue to provide essential supports to persons with the highest of needs so they can continue to live in the community.

The Alzheimer Society and its partners have the tools to help. Today we seek your support for the investment to reach even more Ontarians who are doing something about dementia. Thank you.

The Chair (Ms. Soo Wong): Thank you very much. I'm going to turn to Ms. Martow to begin this round of questioning.

Mrs. Gila Martow: Thank you very much for your presentation. It's something that I've been doing a lot of research on, actually. I was visited by Lynn Posluns, from the Women's Brain Health Initiative. She has a magazine, *Mind Over Matter*, I believe. What I found shocking, and what I think a lot of people find shocking, is that 70% of new Alzheimer cases are women, and that's taking into account all variables, including the fact that women live longer. That's a discussion for another day.

I just want to get your thoughts in terms of research funding and programming addressing the fact that so many more Alzheimer cases are women.

1530

Mr. David Harvey: Perhaps I might comment. It is interesting, the gender effect of dementia, not only in terms of the higher proportion of the population being women who contract the disease, but also it impacts on caregiving because that also is a role performed more by women than by men, although it's changing a little bit; and also in terms of the workforce, where certainly women form the majority of supporters as well. So I think there are three areas.

I think there needs to be more research conducted in terms of the gender impact of dementia in those three areas. What are the risks that women experience from a biological perspective that put them at more risk and, also, from a comorbid condition? For example, heart disease and diabetes are active contributors toward dementia, so is that one of the sources? Because women, as we know, are often under-treated in heart disease, for example. That is an area that warrants more research, as well as the other two areas that I mentioned.

I think it would be interesting, for example, to look at the relative equity of women as caregivers. Are they getting as much support in their job as men who are performing caregiving, for example? I think there are rich areas of exploration.

Mrs. Gila Martow: I think that's the tsunami, if I can use a term that somebody used earlier, in terms of how we're talking about health care funding, and we're not able to adequately fund our health care needs now—and that's without taking into account our aging population as well as costly new treatments.

I think it behooves all of us to look at it from so many different angles, including, as you said—it's a good point—that if a disproportionate number of new cases are women and women are disproportionately the caregivers, well, then, who's taking care of these women who are struggling?

Thank you very much for coming in and for your presentation.

Mr. David Harvey: Exactly. Thank you.

The Chair (Ms. Soo Wong): Thank you very much for your presentation as well as your written submission.

Ms. Delia Sinclair Frigault: Thank you.

ONTARIO CONVENIENCE STORES ASSOCIATION

The Chair (Ms. Soo Wong): The next group before us is the Ontario Convenience Stores Association: Mr. David Bryans. I believe the Clerk has the written submission.

Mr. Bryans, welcome. You have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the official third party. You may begin any time. When you do, can you please identify yourself for the purpose of the Hansard?

Mr. Dave Bryans: Great. My name is Dave Bryans. I'm the chief executive officer for the Ontario Conven-

ience Stores Association. Good afternoon, everybody. It's good to see so many familiar faces that I have spoken to before in committee, and today again.

Today I'm going to touch on two issues that would be of concern to the c-store industry and which, if addressed, will have improved financial and economic outcomes for our industry and also for the province of Ontario.

Let me remind the committee, though, of OCSA's profile. We're made up of small businesses, but we amount to big business from an economic standpoint. I represent 6,000 convenience stores in the province of Ontario. We interact with 2.7 million Ontarians each and every day when they come into our stores. We collect \$3.8 billion a year in tax revenue for the government and we account for \$2.6 billion in lottery revenue for Ontario Lottery and Gaming, which means, by the way, that 76% of all lottery sales come through the convenience sector in Ontario. That means that 76% of all the winners come through our channel as well. We are an \$18.4-billion industry in Ontario and we support 65,000 jobs.

Despite this, our industry is struggling. Margins are extremely small and are shrinking under pressure from suppliers and costs associated with accommodating new regulations. Without a new destination category product or a significant drop in the public's consumption of illicit tobacco products, our members are going to continue to suffer.

Of the two issues I'm here to talk to you about today, let me first address a topic that is likely on the top of your minds as I sit here: the beer and wine file. Firstly, I will say that it was encouraging to see this government take a proactive approach to opening up the beverage alcohol system in Ontario. The current Liberal administration should be commended in recognizing the need for modernization, especially given that it was an 80-year-old system and that commitments to update it from previous governments never happened.

The OCSA was pleased to have an opportunity to present a comprehensive submission, complete with financial models, logistical considerations and a reasonable solution during the consultations with the Ed Clark panel. Our solution did include the expansion of the LCBO agency store model in urban and suburban communities. There are currently over 200 convenience stores in rural and northern Ontario that retail beverage alcohol products under the LCBO banner. They have operated successfully for a number of years, and we felt that expanding this program would meet all of the objectives that the government was considering during the review.

Obviously, our proposal was not successful. As this committee knows, it was announced late in 2015 that the first 150 licences would be issued, with none going to the convenience sector at all. But remember, we're used to being patient, and we appreciate that it appears we will have to wait a little bit longer again.

Most confusing to our members, however, was the way in which the industry was treated during the consultation. Convenience stores were eliminated from the process before the consultation had even concluded. We

were notified of this via a media report and not through any other more professional forms of communication.

Perplexing our industry further were the Premier's remarks at a recent media event in Niagara. The comment "Not on my watch" was uttered immediately after she received a question on convenience stores and the potential of using our channel to retail beer or wine. I have trouble understanding where this sentiment comes from.

Indeed, our industry has been very supportive of the Premier and this administration in the past. I remind this committee that the OCSA lent its public support when this government announced its intentions of raising the minimum wage to the highest in Canada. In fact, I believe that we were the only small business association that lent its support to the Minister of Labour.

Some have said that c-stores can't be trusted to retail beer and wine. To that, I point to success in other jurisdictions, as well as numerous third-party studies that show our businesses are highly dependable when it comes to restricting access to adult products. The punitive measures enforced by public health units on our members all but ensure that our store owners are the most diligent in this country at checking for age.

Our public dismissal from the consultation reflects negatively on the c-store owners, 70% of whom are new Canadians. They are hard-working people looking for a way to support their families. They work sometimes seven days a week, both days and nights. More importantly, they understand that if their small business is going to succeed, it needs to promote an image of responsibility, and that means a commitment to age verification and training. I only hope that in future rounds of licensing, our industry will be considered. I would welcome an opportunity to re-engage with Ed Clark and the government on this topic that remains of great importance to our members.

I'd like to spend the next few moments discussing illegal tobacco in Ontario and the role our stores play in preventing youth access to tobacco products. As committee members are well aware, convenience stores are the largest retailer of legal tobacco products in the province of Ontario. Because of this function, we are an important tax collector for the government and, equally as important, gatekeepers who prevent age-restricted products from being accessed by minors.

Our industry was encouraged with the government's inclusion of anti-illicit tobacco measures in the 2015 budget, and we were also pleased to see last week's announcement regarding new enforcement measures. These will be helpful in addressing the illegal tobacco trade, which we know has resulted in a reduction of revenue for the government and also for our businesses.

The fact of the matter remains that the rate of illegal tobacco remains higher in Ontario than any other province in this country. We released our updated contraband numbers in December that saw rates as high as 40% at hospitals of illegal tobacco and between 30% and 40% at high schools in Ontario, in areas such as Sudbury, Thunder Bay, Ottawa and even Windsor.

It should be noted that the answer to solving Ontario's deficit cannot come at the price of another tobacco tax increase. This only increases the appeal of the illegal market and sends tobacco users to cheaper alternatives. Customers will not curb their smoking following a tax increase, with 70% saying they would find another, cheaper source for their product.

We have conducted these annual contraband studies in recent years, and what is most troubling are the consistent findings of illegal products at high schools. This is greatly concerning for law-abiding retailers, as it means young people are still finding access to cheap tobacco products. We are equally concerned by the implications that these products are coming from our stores. This is simply not true and not the case.

We share the concerns of government in terms of youth access and we partner with government as part of our social responsibility by ensuring we are the most reliable gatekeepers between youth and age-restricted products. However, the solution to preventing youth access can only be partially addressed by more tobacco enforcement.

1540

As mentioned in our presentation last year, and as part of our goal to reduce youth smoking, we are recommending once again changes to the smoke-free act to mirror that of the Ontario liquor act. These changes would make purchasing, consuming and possession of tobacco a ticketed offence. It is time to change the behaviours, and if we had implemented this six years ago when I originally proposed this in committee, today we would not see one child standing next to a high school smoking a cigarette.

We want this government to step up its efforts against youth smoking by treating tobacco the same as we do alcohol. We cannot continue to normalize this behaviour. People would be shocked to see a 15-year-old drinking a bottle of beer in the middle of the street, yet there are zero repercussions should they be smoking a cigarette. We do not want to demonize youth as part of this initiative; however, there needs to be greater deterrence measures similar to those of alcohol in the province of Ontario.

A possession and consumption ban is also heavily supported by the Ontario public, with 80% of Ontarians agreeing with the new law. Even seven in 10 smokers agree with this proposal, which would achieve our shared goal of curbing youth smoking.

An area we are asking this committee to consider is for funding to certify and train every employee in Ontario to handle the most contentious product we sell: tobacco. Similar to Smart Serve, together we could train over 69,000 employees—many new Canadians—on age-testing, handling of tobacco and types of cessation programs available to customers. The Alcohol and Gaming Commission has also declared they would like to extend that certification to lottery here in Ontario. To ensure small businesses are the best-trained to handle two major age-restricted products throughout the province I think is

a win for the government and all of us. I'll be happy to share more details in questions.

Finally, the last topic I'll mention is the Ontario Retirement Pension Plan, or ORPP. The OCSA is troubled by the recently announced rules that seem to ignore the challenges of small businesses. On this, our association shared the view of other small business stakeholders and recommended that the government consider an income threshold of \$20,000. We felt this provided a fair balance that would allow our members to contribute to the program while allowing them to retain staff and stay profitable.

The fact that the government has set the income threshold to \$3,500 is problematic for convenience stores. In addition to losing business to larger grocery stores for beer, and to the reserves for tobacco, our small businesses will now be forced to absorb an additional 1.9% cost on its personnel. While 1.9% may not sound like much to everyone in the room, for an industry that already has had to absorb high additional costs, including large increases in minimum wage, it has the potential to be significant.

Current estimates are that the ORPP will end up costing Ontario 6,000 jobs from our sector, or one employee for every store that I represent. Most of these will be students and they will be new Canadians. Our hope is that the low-income threshold can be revisited and that special considerations be given to small businesses that remain a vital part of this economy.

Thank you, and I'll take questions.

The Chair (Ms. Soo Wong): Okay, thank you very much, Mr. Bryans. I'm going to turn to Ms. Fife to begin this round of questioning.

Ms. Catherine Fife: Thank you very much, Dave, for coming in. At least part of your presentation isn't like Groundhog Day, because you did ask for the anti-illicit tobacco measures which were announced last week. Do you want to comment on the rollout of those measures? Do you think it's strong enough, or do you know enough about it yet to comment on it?

Mr. Dave Bryans: First off, and I think I said this in the notes, congratulations to the government. I think it's long overdue. We've been asking for it for years. I don't know all the specifics and the timelines, but any movement better than no movement is a movement in the right direction.

I still think we have an issue of 50 illegal factories located on reserves in Ontario and Quebec delivering white vans to every community. That has to be addressed. It's not going to be as simple as six new police officers, but, again, it's worth starting somewhere.

Ms. Catherine Fife: Sixteen police officers? That was—

Mr. Dave Bryans: Six, I think.

Ms. Catherine Fife: How many police officers?

Mr. Dave Bryans: I think it was six.

Ms. Catherine Fife: Sixteen, okay.

Your stats around the amount of contraband cigarettes that saw rates as high as 40% at hospitals and 30% to

40% at high schools really is shocking, and I commend your association for gathering that data, because it should inform policy going forward.

The changes that you're recommending around fines or making it a ticketed offence: Have these been tried in any other jurisdictions?

Mr. Dave Bryans: It has been tried in many, Nova Scotia being one. It is actually what health groups would like to do: Change the behaviour. The only way to change the behaviour is to say that if you're caught at a high school with a pack of cigarettes in your locker or in your pocket or you're consuming them, you will get a fine of \$150. It allows the teachers to confiscate the package and also allows parents to parent and teach them that there are laws around underage smoking.

Ms. Catherine Fife: Behaviour modification is one of those key factors, right? I grew up in Nova Scotia. You used to be able to buy a single cigarette for 25 cents, which is just incredible.

Mr. Dave Bryans: And the whole thing is normalized. But I actually believe—I'm a parent first and a businessman second—that no one wants their children to smoke, and we have to put the tools in place. If we believe in a healthier society, I think it's time we all joined forces and said, "How do we fix this?"

Ms. Catherine Fife: When you consider the impact on the health care system long-term, the economic case is there. Thank you very much for coming in today.

Mr. Dave Bryans: Thank you very much.

The Chair (Ms. Soo Wong): Thank you very much, Mr. Bryans.

HEALTHCARE OF ONTARIO PENSION PLAN

The Chair (Ms. Soo Wong): The next group before us is the Healthcare of Ontario Pension Plan: Ms. Victoria Hubbell, as well as Darryl Mabini. I believe the Clerk has distributed your little booklet to us.

Welcome. As you've probably heard, you have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the government side. When you begin, can you please identify yourself for the purposes of Hansard? Thank you.

Ms. Victoria Hubbell: Thank you, Madam Chair and members of the committee. I appreciate this opportunity to speak with you today. My name is Victoria Hubbell. I'm the senior vice-president of strategy and stakeholder relations at HOOPP. Darryl Mabini, senior director of growth and stakeholder relations, is also joining me today.

HOOPP is a defined benefit plan that represents 300,000 working and retired health care professionals in Ontario. We're the third-largest pension fund in Ontario, with \$61 billion in assets. We're a shared-risk plan that is not backstopped by the government, and 80 cents of every dollar paid to our pensioners comes from our investment returns, not the taxpayers. We're proud to say

that we are fully funded at 115%. We're in a surplus position, which allows us to weather the storm in this low-interest-rate environment.

HOOPP invests for the long term, knowing our members may have a retirement window of up to 40 years. CEM, a group that benchmarks pension fund investing and administration, reports that HOOPP has the highest 10-year-rate net returns when compared to 124 global funds. We accomplish these results with a small team of 37 investment professionals. Our investment expenses are 0.3%. By comparison, mutual funds are 2% to 3%.

HOOPP has participated in a variety of research initiatives with the sole purpose of setting the record straight and providing factual evidence so informed decisions can be made. I'd like to share some of the key highlights of that research with you today.

Public polling by the Gandalf Group shows that 86% of Ontarians believe there is an emerging retirement crisis. Top issues for Ontarians are the state of the health care system and not having enough money for retirement, both of which they said were of greater concern to them than the government deficit and losing their job.

There are many factors that are contributing to this crisis. First and foremost, we're just living longer. Canada introduced the first government-run pension in 1927. The average age of death for men at that time was 61, and 63 for women, so not a significant number of years after retirement to pay out pensions. Today, the majority are living into their mid-eighties and longer. In fact, HOOPP has a pensioner who is 107 years old, and she has been collecting her pension for 42 years.

Simply put, living longer means more retirement income is needed. Canada has reached a significant milestone in its aging demographic. For the first time in our history, we have more seniors than children. By 2036, just 20 years from today, it's expected that 40% of Canadians will live to the age of 90. Without adequate retirement provisions, who will be caring for these people? It will be the taxpayers.

Another critical issue is the lack of adequate pension coverage. Only 12% of Ontarians have a DB pension, with the majority of them in the public service. The Toronto Star reports that 76% of private sector employees don't have a pension at all. The average income for a single person in Ontario is \$49,000. The average RRSP balance at retirement is \$55,000. So retiring at 65 and living to 90, that RSP would provide you with \$183 a month to live on. When you add CPP and OAS, the monthly total would be just under \$1,300 a month, which is less than 30% of their pre-retirement income. If we use Toronto as an example, the average rent for a one-bedroom apartment is \$1,085 per month. So after paying rent, there would \$215 left for food, transportation, medication and utilities for that month.

1550

Research shows that half of middle-income Canadians will save less than 5% of their income for retirement. Some critics believe that people aren't saving because they're irresponsible and they're living beyond their

needs; they're accumulating debt, rather than saving for the future. Of course, this is true for some, but the majority of our population—middle-income earners—are financially strapped. They're worrying about saving for their children's education, paying down their mortgage, and caring for aging parents, and are just not able to save. This is the dilemma that needs attention and focus.

HOOPP is encouraged by the province's pursuit of a new pension solution for Ontarians, the ORPP. It's a step in the right direction. At a time when we have an aging population, one that will grow more dependent on government services like health care, it's critical that the government does something for the more than two thirds of the population that has no pension.

We know that mandatory savings are the only way. It's just human behaviour: There's always something else that requires financial attention before a retirement that is decades away. Our retired members have told us this: Had HOOPP been a voluntary plan, they would not have joined. As pensioners, they're most grateful that they did not have the choice to opt out.

The average HOOPP pension is \$23,500, and \$18,800 of that pension comes from investment returns, not the taxpayers. The remaining comes from the biweekly employee and employer contributions.

The Gandalf polling shows that 68% of Ontarians agree that it would be better to improve the private sector pension crisis than reduce the benefits of public sector employees; 74% support nurses receiving the pensions that they worked so hard for. The argument is not about taking pensions away from others because they don't have one; it's about fixing the problem for those people without coverage—an increasingly urgent issue, given our aging society.

According to research conducted by the Boston Consulting Group, DB plans are good for the economy. Pensions are important to our cities and towns throughout the province. For example, in Elliot Lake, 37% of its income is from retirement funds, with pensions contributing most of it. The smaller the town, the greater the impact on their local economy.

Some 65% of Ontarians believe that our economy will suffer without good pension programs, and they're right: \$30 billion is paid annually in pensions in Ontario; \$3 billion is paid back to the government through income tax; and \$1 billion goes into personal savings. So just under \$27 billion represents consumer spending that goes directly into our economy. That \$27 billion is spent on food, clothing, services, pharmaceuticals, rent, household items, and the list goes on and on. Within that \$27 billion, another \$3 billion goes back into the government in property and sales taxes, for a total of \$6 billion a year.

This is a direct revenue stream for the government. It helps to pay for essential services like education, social services and roads, with a large percentage going to health care and hospitals.

Public polling research found that individuals with inadequate retirement income will cut down on food and pharmaceutical expenses, the two things that help keep us

healthy. Retirees 65 and older account for 1.8 million people in Ontario. That's 14% of our total population. That 14% currently consumes nearly half of the total health care spend. We can only imagine the negative impact if seniors were cutting down on food expenses, not taking needed prescriptions and not being able to meet other basic health care needs. We could expect more visits to the emergency room, increased health care costs and a further strain on our system.

Some good news for our taxpayers: Only 10% to 15% of DB pensioners require the Guaranteed Income Supplement, compared to 45% to 50% of the non-DB population requiring that needed financial assistance. Translating this into a dollar impact means that DB plans save the government \$2 billion to \$3 billion annually in GIS payments, so in addition to the revenue stream created by these DB plans, they also reduce the need for government support.

Defined-benefit plans are the key pillar of our financial system. Benefits paid to retired workers generate significant consumer spending that creates and sustains jobs throughout our province. It also ensures that seniors who have worked hard and contributed to building this province can age with dignity.

Just in closing, I want to read a very quick letter. We get many from our pensioners, but I thought it was appropriate to share. We just received this two weeks ago.

"Dear sir, I was born April 7, 1920, the only daughter and two younger brothers of hard-working, loving pioneers in Belfast, Ontario. In the years from 1940 to 1965, I was married. I raised four boys and four girls—health, happy, ambitious, educated children—until 1965, when circumstances forced me to earn my own living, starting from scratch. I took the nursing assistants course offered by Wingham district hospital. I passed my government registration exam and was hired on full-time, working 12-hour shifts for \$5 an hour. Canada pension and also HOOPP were just beginning at that time.

"I remained on staff from 1965 to 1985, when, at the age of 65, I took compulsory retirement and old age pension. I'm now 95 years old, living in a lovely old retirement heritage home with 40 residents. Good care, friends and reasonably good health—I'm up and about. All this would not have been possible without my pensions and especially HOOPP, which I receive regularly, generously and happily every month in my bank account.

"I do thank God daily for this wonderful provision. I don't know where I would be otherwise. I thank you with all my heart for HOOPP and its help. I also thank you for reading my story. Please excuse my scribbled penmanship. Yours truly, Dorothy MacLeod."

The Chair (Ms. Soo Wong): I gave you a little bit more time because I wanted you to finish that letter. I'm going to Mr. Baker to start this round of questioning.

Mr. Yvan Baker: Thanks very much for coming in and for sharing your thoughts. First of all, I wanted to go back to what you were saying about the ORPP. If I read page 13 of the document that you provided: "The Ontario government is taking action. It is introducing a new DB

plan in 2017. The Ontario Retirement Pension Plan (ORPP) is a supplemental CPP-like plan that is intended to provide a predictable source of retirement income for millions of Ontarians not already participating in a comparable workplace pension plan."

If you were talking to—I'm sorry, I've forgotten her name, but the person—

Ms. Victoria Hubbell: Victoria.

Mr. Yvan Baker: Sorry?

Ms. Victoria Hubbell: My name?

Mr. Yvan Baker: No, the name of the person whose letter you were reading.

Ms. Victoria Hubbell: Oh, okay. Dorothy.

Mr. Yvan Baker: If you were talking to Dorothy—I think of Dorothy as representative of many of my constituents—how would you explain why you say the ORPP is a good start? If you were talking in those terms, how would you explain to one of my constituents why it's a good start?

Ms. Victoria Hubbell: Well, Dorothy had the benefit of being covered by a DB plan due to her work. It's interesting; most of our pensioners that we speak with are very concerned because many of them have friends who didn't end up with a pension and they see them struggling. I would think that Dorothy would see this from a place of compassion, knowing that, as she said, she wouldn't know what she would be doing right now if she didn't have the pension. There are two thirds of Ontarians who have no coverage. At the end of the day, to simplify it, as taxpayers, we can pay now or we can pay much more later.

Mr. Yvan Baker: You said two thirds; approximately 60% of Ontarians have no workplace pension at all here—a large number. You talked about human nature and how many of us aren't necessarily inclined—and I'm guilty of this too—to think about our pension or our retirement when there are urgent needs today. What can we do to change that?

Ms. Victoria Hubbell: My own bias here is that I'm not sure it can be changed, because generation after generation, you see people—if it's not mandatory, there's always another reason where that money can go. When we hear from our members—we have over 180,000 retired members who say, "The only way to make this work is to take it from us, in a mandatory plan." If it's optional, to your point, there's always something else, and it seems so far down the road. I, personally, didn't sign up for two wonderful DB plans in my banking career. There was always something else to spend it on.

1600

Mr. Yvan Baker: Okay. What advice would you—Chair, do I have any time left?

The Chair (Ms. Soo Wong): You've got two minutes.

Mr. Yvan Baker: Two minutes? Oh.

As the ORPP is being rolled out, is there any advice you would give to the government in terms of the ORPP and its rollout? Obviously, you know its primary characteristics; you would have read about it. I'm just

wondering what advice you would give as someone who is so knowledgeable about pensions and retirement. Could you share your thoughts?

Ms. Victoria Hubbell: I think what's most important is education, and I don't mean pension technical knowledge, but really understanding the value of this and what it will give them down the road. Initially, I would think, the reaction, as it is with most of our new health care workers that join HOOPP, is, "Oh, it's this biweekly deduction. I can think about that later." Really help people understand why it's so important for them personally, and what it would be if they didn't have it.

Mr. Yvan Baker: Thank you very much. Thank you for your time.

The Chair (Ms. Soo Wong): Thank you very much for your presentation as well as your little booklet. If there's any written submission you want to share with the committee, you have another hour to send it to the Clerk. Thank you very much.

Ms. Victoria Hubbell: All right. Thank you.

ONTARIO REAL ESTATE ASSOCIATION

The Chair (Ms. Soo Wong): The next group before the committee is the Ontario Real Estate Association. I believe the Clerk already distributed the written submission.

While the next group is coming forward, staff is sharing with us the written submissions to date, so I just want everybody to know that. Thank you.

Welcome, gentlemen. Good afternoon. As you probably heard, you have 10 minutes for your presentation, followed by five minutes of questioning. This round of questioning will be coming from the official opposition party. When you begin, can you please identify yourself for the purposes of Hansard? Thank you.

Mr. Ettore Cardarelli: Thank you very much. My name is Ettore Cardarelli. I'm a broker with National Realty Centre in Mississauga, and chair of the 2015-16 government relations committee at the Ontario Real Estate Association. Joining me today is Matthew Thornton, OREA's director of government relations. We would like to thank the committee for the opportunity to present our recommendations for the 2016 Ontario budget.

The Ontario Real Estate Association is one of Canada's largest provincial trade associations, with over 63,000 realtor members in 40 real estate boards across Ontario. Before I get into our recommendations for the 2016 Ontario budget, I want to take a moment to discuss the provincial housing market and its impact on the broader economy.

As you know, global economic circumstances continue to cast a shadow of uncertainty over the provincial economy. Amongst this uncertainty, however, and indeed, since the great recession, the Ontario housing market has been a pillar of strength for our economy, creating jobs, driving growth and generating tax revenue for our province, and 2015 was no different. Last year, 224,000 homes were transacted through MLS systems in

Ontario, an increase of almost 10% from 2014. These sales were valued at over \$104 billion, up almost \$20 billion from 2014.

According to our forecast, Ontario's market is expected to moderate in 2016 but still experience growth. This outlook is good news for Ontario's economy. Research has shown that every resale home transaction generates \$55,000 in consumer spending on everything from professional services to appliances and home renovations. Last year, this spending generated over \$11.9 billion in economic activity and supported the creation of almost 77,000 jobs. Each transaction also generated an average of \$10,000 in land transfer taxes, contributing an estimated \$1.7 billion to the provincial treasury in 2015. We urge this committee to be conscious of these important benefits as it considers its recommendations for the 2016 Ontario budget.

OREA's recommendations focus on two key issues. First, as many of you who are parents to millennials know, the dream of home ownership in our province for young Ontarians is becoming increasingly difficult. While prices are largely responsible for these challenges, young first-time buyers are also being hurt by increasing closing costs like the provincial land transfer tax.

Thankfully, and for good public policy reasons, both the federal and provincial governments support first-time buyers looking to enter the market. Notably, Ontario provides first-time buyers with a rebate of up to \$2,000 on the provincial land transfer tax. This rebate was created for new homes in 1996 and extended to resale in 2007. When it was introduced, the rationale behind the LTT rebate was to exempt first-time buyers from paying any tax so they could more easily enter the market and begin to build equity. Unfortunately, since the LTT is charged as a percentage of the sale price of a home, the rebate's effectiveness, which has remained fixed at \$2,000, has been eroded with increasing home prices. For example, in 2017, a first-time buyer of an average-priced home at \$299,000 paid just \$960 in provincial LTT after qualifying for the rebate. Today, the average resale home price has increased 56% to over \$465,000. As a result, a first-time buyer now pays an average of almost \$4,000 in provincial LTT, after taking into account the rebate. In other words, first-time buyers today are paying a 300% higher land transfer tax bill than those buyers did just nine years ago. This problem is even more apparent in the GTA, where a first-time buyer is paying almost \$7,000 in land transfer taxes after receiving the rebate. These are costs that come straight out of the pocket of first-time buyers. Often, first-time buyers are forced to borrow money for the tax through lines of credit, from family members or even from credit cards.

To help keep home ownership affordable for younger generations, OREA recommends that the LTT rebate for first-time homebuyers be modernized to reflect present-day home prices in Ontario.

OREA's second recommendation for the 2016 Ontario budget focuses on helping Ontarians to improve the energy efficiency of their homes while avoiding costly

red tape on residential real estate transactions. As you know, the government of Ontario has identified the creation of a culture of energy conservation as one of its priorities to address climate change. With respect to residential housing, the government is proposing the implementation of a home energy rating and disclosure, or HERD, program. The proposed program would mandate time-of-listing energy audits for homes advertised on a listing service.

OREA has a number of concerns with the proposed program. For the purposes of this presentation, we will focus on two. First, since the requirement is mandatory, meaning a seller cannot list their property without first completing an audit, HERD will impose a number of unintended consequences on the marketplace.

Ontario transacts 200,000 resale residential properties annually. At present, there are only 150 energy auditors in the province. The ministry estimates that 1,900 auditors will be required to meet market demand. OREA estimates that number would be even higher. Either way, sellers can expect delays while they wait to schedule an appointment with auditors scrambling to keep up with the market. Realtors work with clients every day who, as an example, have lost their jobs or are getting divorced and must sell their properties quickly. These folks will be punished by HERD.

The lack of effective regulation of energy auditors themselves is another concern. Unlike most other professionals involved in real estate transactions, energy auditors are not licensed by a provincial regulator, not subject to an enforced code of ethics and not required to carry errors-and-omissions insurance. Through HERD, the province will force consumers to put their single largest investment in the hands of a sector that is unregulated and uninsured.

OREA believes that the residential housing sector must play a role in reducing greenhouse gas emissions. For this reason, Ontario realtors are proposing a two-pronged solution to help reduce GHG emissions from the sector. First, OREA is recommending that the government include an energy audit in the standard home inspection, ensuring that an audit is done by a sector that is soon to be licensed and regulated. According to our research, 75% of homebuyers make an inspection a condition of a purchase, so it would also capture the majority of transactions in our province. Since the inspection would remain voluntary, OREA's proposal would also avoid many of the unintended consequences.

The second part of OREA's proposal is the creation of a series of provincial rebates for homeowners to assist them with the costs of doing the audit and the recommended retrofits. You may recall that the province used to administer the Ontario Home Energy Savings Program. OHESP was in operation from 2007 to 2011 and provided homeowners with \$150 towards the cost of a retrofit energy audit, and rebates of up to \$5,000 for retrofits. OHESP was a significant success, helping over 428,000 homeowners to complete energy audits and 380,000 to complete retrofits. Most importantly, 88% of

OHESP participants undertook retrofits, making it a remarkable success in helping to improve the energy efficiency of the Ontario housing stock.

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OREA recommends that a portion of the expected \$2 billion in proceeds from the cap-and-trade be dedicated to a program similar to OHESP that assists homeowners in improving the energy efficiency of their properties.

These two recommendations will help Ontario achieve its GHG emission targets while injecting stimulus into our economy and supporting jobs in the construction and renovation sector.

Before I conclude, I want to add that Ontario real estate professionals are still looking to have the ability to form personal real estate corporations, and we hope, as the government gets closer to their target of balancing the budget in 2017-18, that realtors will be given that ability.

Lastly, I would be remiss if I did not thank the government for announcing that the municipal land transfer tax powers would not be given to other municipalities last December. OREA was thrilled to see MPPs from all parties take a position in support of affordable home ownership and against this unfair tax.

Thank you very much, and we'll take your questions.

The Vice-Chair (Mr. Peter Z. Milczyn): You're right on time. Questions for you are from the official opposition. Ms. Munro?

Mrs. Julia Munro: Thank you for coming here today. I would like to offer my congratulations on your presentation, because it's easy to follow and you haven't put in too many requests. I think it's much better to zero in on some of the things that are of particular concern.

One of the things that you've got in here in recommendation 4 is the incorporation of individuals. My question is really on that, but in the context of what seemed to be a confusing number of people who hold real estate licences but who are in some designation within a larger organization. Are they independent or are they not in terms of consideration in something like this?

Mr. Matthew Thornton: So in terms of their tax status, are they independent contractors, or are they independent from organized real estate?

Mrs. Julia Munro: Would they be the people we're talking about in recommendation 4?

Mr. Matthew Thornton: Yes. The focus of the personal real estate corporation recommendation is really around folks who are earning a little bit more than the average. Because of the costs associated with incorporation, it tends to only benefit those who are what we would call high performers in the industry. You would need to earn a certain amount—depending on conversations with your accountant, obviously—in order to benefit from a tax perspective, using the personal real estate corporation.

But just in general, the reason why our members are so enthusiastic about that issue: I think it's fundamentally just an issue of fairness. I think they look around to a lot of industries around the province who are allowed under legislation to form personal corporations, folks like

lawyers, accountants, veterinarians etc. Our members see those folks incorporating and they look at their own situation and, unfortunately, they can't.

We're not looking for special treatment under legislation; just equal treatment is the key message there.

Mrs. Julia Munro: Okay, thank you.

The question of the ORPP is toward the end of your presentation. Are you concerned about this or are you interested in seeing it happen, when so many of the people are individual—they are the employer and the employee?

Mr. Matthew Thornton: In general, I think our members share a lot of the concerns that a lot of other Ontarians share, which is saving for the future. As independent contractors, often realtors won't have a personal pension plan. They'll have to get creative in terms of saving for retirement.

The concerns that we have with the ORPP I think are concerns shared by other similar sectors in that our members, as independent contractors, would be required to pay not only the employee side of the contribution but also the employer side, so it's going to be a hit to their bottom line at the end of the day.

That being said, we are very much in favour of the PRPP proposal that was put forward by the government. We think that's a good, flexible plan or structure that could allow our membership to save for retirement.

So, yes, we do have some concerns, but we do acknowledge that there is a broader public policy goal here, which is to help people save for retirement.

Mrs. Julia Munro: Thank you very much for coming today.

Mr. Matthew Thornton: All right, thank you.

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you very much, and thank you for your written submissions.

CITY OF BRAMPTON

The Vice-Chair (Mr. Peter Z. Milczyn): Our next listed witness is Fix Our Schools; are they here yet? No? We'll move to our next witness. Your Worship, if you could come forward. The city of Brampton will be presenting. Welcome, and for the official record, if you could state your name, please.

Mrs. Linda Jeffrey: Thank you, Chair. My name is Linda Jeffrey, mayor of Brampton. It's nice to be back.

The Vice-Chair (Mr. Peter Z. Milczyn): And you have 10 minutes.

Mrs. Linda Jeffrey: Thank you. We're handing out the presentation on behalf of the city of Brampton council. I'm pleased to provide the Standing Committee on Finance and Economic Affairs our 2016 pre-budget submission.

We fully support the province's continued collaboration, working with municipalities, and we have four suggestions for the 2016 Ontario provincial budget to endeavour to propose meaningful and practical solutions to promote economic prosperity in areas that would benefit our residents.

The first is continuing with the Moving Ontario Forward plan. We thank the provincial government for the commitments in previous budgets to improving transportation and public transit that have benefited Brampton. The 2014 Ontario budget laid out the new plan, Moving Ontario Forward, making \$29 billion in infrastructure investment over the next 10 years, with a commitment to expand two-way, all-day GO rail service as a priority in all corridors including the Kitchener line that connects Brampton with Toronto and Kitchener-Waterloo along the innovation corridor. The 2015 budget increased these dedicated funds to \$31.5 billion, with \$16 billion to be invested in transit projects in the greater Toronto and Hamilton area, including a commitment to enhance service on the regional express rail.

In September 2015, Brampton saw an addition of 14 new train trips between Mount Pleasant GO station and Union Station during off-peak midday hours from Monday to Friday. The last time we saw additional train service in Brampton was nearly 30 years ago; thank you.

The city of Brampton appreciates the progress we've been able to achieve and wants to encourage the provincial government to continue to make investments and to plan for two-way, all-day GO rail service along the rail corridors in the GTA because moving people matters.

Our ask is that the municipal partnership of Brampton, Guelph, Kitchener-Waterloo and Waterloo region requests that the Standing Committee on Finance and Economic Affairs recommend continuing funding in the 2016 budget to implement two-way, all-day GO rail service on the Kitchener line.

Second issue: expansion of the province's post-secondary education system. The province announced a second targeted post-secondary expansion call for the Peel and Halton regions in the spring of 2016. In July 2015, Brampton city council began preparing a strategy focused on preparing a bid to establish a university campus in Brampton. The university blue-ribbon panel, led by former Premier Bill Davis, has been hard at work interviewing prospective partners and recently undertook an economic impact study that demonstrates the quantitative and qualitative benefits to the city of Brampton associated with the construction and operation of a university campus. All successful cities combine capital, knowledge and innovation to spark the next chapter in their development, and Brampton's next chapter needs to include attracting a university.

Our ask is that the city of Brampton requests that the committee recommend that the second call for proposals for a post-secondary facility to serve Peel and Halton regions be issued by the province this spring, and that details can be shared regarding how post-secondary institutions partnered with municipalities can bid.

Our third issue is addressing youth homelessness in Peel region. Our community needs better and stronger supports to prevent youth homelessness. Peel has only one youth homeless shelter, serving youth from 16 to 21. All the beds are located in Mississauga, and these beds are usually full; I'm told the average occupancy rate is 98%. Last year, they had to turn away 493 youth.

Youth homelessness is a critical issue in Brampton. Currently, there are 12,000 people on the wait-list, and our region has one of the longest wait-lists in Canada. The region of Peel has no dedicated youth beds in Brampton. In fact, the region has no shelter beds for females of any age in Brampton.

Our ask is that the city of Brampton requests that the Standing Committee on Finance and Economic Affairs address that this funding shortfall for youth homelessness in Brampton be provided for in the 2016 budget. The budget request is for \$299,650, which would help support 215 youth in crisis and, more importantly, keep the youth in Brampton close to school, family, employment and their support networks.

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Our last issue is building healthy communities and legacies. Active living and support are important building blocks for any healthy community. The city of Brampton is home to one of the largest senior populations, a community that seeks out sporting activities to stay fit and stay engaged.

The city of Brampton is going to be hosting the Canada 55+ Games for three days this August. The national 55+ games began in 1996 and have been held in various parts of Canada every two years. These games will feature 24 sports with over 2,000 participants over the age of 55. Initially, our organizers thought that the registration sponsorship grant model would offset some of the costs, but that's no longer a reality.

These games are an extensive financial undertaking for any city, and we've learned quite recently that the games aren't eligible for any provincial or federal subsidies because the event doesn't meet their criteria to earn a sports organization designation. Although these games will be an economic boost for our community and will reinforce our commitment to seniors, these games are facing a serious funding shortfall.

We're seven months away from the event. The city of Brampton respectfully requests that the Standing Committee on Finance and Economic Affairs recommend to the Ministry of Tourism, Culture and Sport and the Ministry of Citizenship, Immigration and International Trade that the 2016 Canada 55+ Games receive \$500,000 in provincial grants to help offset costs and promote Brampton and, more importantly, Ontario's commitment to sport and seniors.

I want to thank you for the opportunity to submit to the standing committee's consideration for the 2016 budget.

The Vice-Chair (Mr. Peter Z. Mileczyn): Thank you very much. There will be questions for you from the third party. Ms. Fife?

Ms. Catherine Fife: Thank you, and welcome, Your Worship.

Mrs. Linda Jeffrey: Thank you.

Ms. Catherine Fife: It must be a little strange for you.

Mrs. Linda Jeffrey: It's great.

Ms. Catherine Fife: I think maybe you got out just in time.

The issues that you've brought to us—actually, one of them in particular is very close to my heart, and that's the two-way all-day GO. As you know, in the 2014 budget there was a promise to bring two-way all-day, which means getting people from Toronto also to Brampton and Kitchener, in five years. That's now been stretched out to a decade. Do you think the business and economic case is there to accelerate that project a bit?

Mrs. Linda Jeffrey: Absolutely. When I was a minister, I had the mayors of Kitchener, Waterloo and Guelph come and see me. They made such a strong business case that after I was sworn in as mayor and they came to see me, I said, "You had me at 'hello.' Come on in." There is a strong business case. There is a huge innovation corridor. I think we can demonstrate that it will work.

Our challenge is moving freight and people at the same time. We're competing for the line, so we need some assistance and some conversations to take place. I know they're happening; this is just to encourage that conversation.

Ms. Catherine Fife: That's good. It's going to take everyone to keep the pressure on. That's why I raise it.

I'm really cognizant of the fact that there are 10,000 commuters who are trying to get from Toronto into our communities. Taking them off the road would make a lot of sense.

Mrs. Linda Jeffrey: Yes.

Ms. Catherine Fife: The homelessness piece, especially with youth, is a long-standing issue but I think we're getting a grip on it a little bit now, around youth homelessness. You said that you have no youth housing options in Brampton at all?

Mrs. Linda Jeffrey: Nothing for females.

Ms. Catherine Fife: Oh, nothing for females, which is a very vulnerable population. And no shelter beds for—

Mrs. Linda Jeffrey: There are 14 shelter beds for those youth in Mississauga.

Ms. Catherine Fife: In Mississauga.

Mrs. Linda Jeffrey: This was brought to my attention by the chair of the United Way, Shelley White, who has brought this to my attention more than once. I decided to help by bringing attention to this issue and because I don't think most people know about it.

Ms. Catherine Fife: The Long-Term Affordable Housing Strategy: We're all awaiting that with some anticipation. It should be part of this budget cycle, though, to make sure that the money flows. It's not a huge ask that you're asking for.

Mrs. Linda Jeffrey: That's why I put the numbers in, because it's really not a big ask but it really could make a huge difference. If you're turning away almost 500 young people every year, where are they going?

Ms. Catherine Fife: You make a compelling case with that.

Finally, the 2016 Canada 55+ Games: They don't qualify for anything? That's fairly discriminatory, don't you think, both at the federal and provincial level?

Mrs. Linda Jeffrey: It's surprising, because the city of Brampton bid on the bid prior to my arrival. When I got there, I thought we'd be further along than we are, but it's surprising that they just don't seem to qualify. I'm pretty sure most of us weren't aware that that was the case. They've applied, I think, to about seven or eight different opportunities within the province and don't qualify—and federally they don't either.

I will be sharing this plea with our federal partners, but we could use the support of the Ontario government. I know it's something that we all share, our pride in making sure our seniors stay healthy.

Ms. Catherine Fife: Well, there is an economic case as well.

Finally, I just need to ask you, because this hardly ever happens, and it has to do with why your council refused to accept the fully funded LRT. Some of us across the province would have loved to receive full funding. I know you voted in favour of it. But can you give us some sense? Why did your council turn down a fully funded LRT system?

Mrs. Linda Jeffrey: It does seem counterintuitive. I would say that there were returning members of council who felt very strongly about this issue, and certainly there were members of the community who felt the route wasn't right. We debated about it for a long time. We stretched the conversation and the debate for a long period of time and allowed facilitation. We tried to provide more information. Certainly, I couldn't have asked for Metrolinx to be more patient with my council, giving them the statistics and the numbers to make the decision.

It was a very close vote. One person decided that it wouldn't come during this term of office, but we still need transit options. It may not be LRT, but I'm focused here today asking for the province to continue the work that they're doing with regard to rail, because we have 600,000 people. It's going to grow to 900,000, and we need other transit options.

As I stated earlier, we're also trying to attract a university. I need to get 5,000, 10,000, 15,000 students in and around the city if we're the successful bidder.

Ms. Catherine Fife: So your themes are transit and housing, and they tie everything together.

Mrs. Linda Jeffrey: Yes.

Ms. Catherine Fife: Thank you very much for coming in today.

Mrs. Linda Jeffrey: Thank you.

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you very much. Maybe there's not enough fluoride in your water.

Mrs. Linda Jeffrey: Oh, you had to go there, didn't you?

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you, Your Worship, for coming. Please come again any time you feel like it.

Mrs. Linda Jeffrey: Thank you. Thanks a lot.

FIX OUR SCHOOLS

The Vice-Chair (Mr. Peter Z. Milczyn): Our final witness of the afternoon is Fix Our Schools. Please come forward. You have 10 minutes for your presentation, followed by five minutes of questions. In your case, questions will be coming from the government side. Just for the official record, if you could state your name as you begin your remarks.

Ms. Krista Wylie: You bet. Thank you. My name is Krista Wylie and I am one of the co-founders of Fix Our Schools, which is a grassroots, parent-led, non-partisan campaign that has been working for the last 18 months to build a network across the province of citizens in Ontario who are all expecting the same thing. We're all expecting safe, well-maintained schools for our children; we're all expecting the \$15 billion of disrepair that currently exists across all 72 publicly funded school boards to be addressed; and we're expecting the government to fund and consider public schools as integral public infrastructure, on par with transit.

The \$15 billion of disrepair that I mention: It gets bandied about as perhaps a fact or a statistic in a newspaper, but I want to start my presentation by highlighting that it's much more than that. It actually impacts real children, some of whom have come down to Queen's Park with us today. For two million students in this province, it impacts their learning, their achievement, their health and their attendance at school.

Classrooms that are 10 degrees to 12 degrees in the winter are not an anomaly across the province. Any school, really, built over 40 years ago has no air conditioning, so in the shoulder seasons, spring and fall, on a third floor in an old building, it wouldn't be uncommon to be in excess of 30 degrees—certainly not optimum learning conditions.

We have washrooms in such a state that children are refusing to go to the washroom for an entire day, leading to health issues such as bladder infections. We have leaking ceilings across this province, causing distraction and then begging the question if there isn't mould growing in the walls behind, where the leaks are happening. Those are some of the visible examples of disrepair in our children's schools.

The next type of disrepair is a little bit more subversive. We've called it "catastrophic," which may seem to be an overstatement, but we don't believe it to be so.

1630

Many of the repair items that are included in the \$15 billion of disrepair that I mention actually pertain to such things as fire suppression and alarm systems, electrical systems, heating and cooling systems, and structural issues. While these types of repair items are often invisible and may not immediately impact student learning or achievement, if failure in these systems occurs before they can actually be fixed, the results will indeed be catastrophic.

You may have heard in the news recently that a six-year-old child received a concussion because she was going to the washroom and a washroom door fell on her.

Auditorium ceilings have collapsed during school hours. We've heard this from not just the TDSB—I would like that noted—but from other school boards across the province as well.

MPP Milczyn, you might be familiar with a school named John English Junior Middle School, home to 900 students, in critical condition and in need of over \$20 million in repairs. It impacts everyone in this room and certainly the two million children who spend six hours a day in these buildings.

The community impact of disrepair: Not only are there students in these buildings every day, but there are teachers and there are staff members, all of whom deserve safe, well-maintained buildings as well.

School administrators: I know that many school administrators, principals, vice-principals, if they're unlucky enough to be in an old school, spend half of their time focused on being a project manager rather than being a curriculum leader of their school, which is an underbelly to this issue as well. You have resources that should be spending time on one thing, and instead they're managing boiler repairs, which is not how I want my child's principal to be spending her days.

You have children in daycare programs; much of our daycare happens in these public school buildings. And finally, citizens rely on these buildings as community hubs. So there are many real people across this province who are impacted by this disrepair.

Funding and how we've gotten to this state: As I keep mentioning, there is over \$15 billion of disrepair across Ontario's publicly funded schools. Every single one of our 72 public school boards is impacted by a capital repair backlog. The recently issued Ontario Auditor General's report just before the holidays highlighted that \$1.7 billion of that \$15 billion of disrepair is actually deemed urgent and critical, yet this year the government has allocated \$500 million, leaving \$1.2 billion of critical, urgent disrepair in buildings where two million children spend six hours a day. As a parent, that certainly doesn't make good sense to me.

To put this year's funding in the context of addressing the overall capital repair backlog, school boards this year are receiving the equivalent of less than \$5 for every \$100 of disrepair. If you or I had a plumbing issue, for example, in our home that was going to cost us \$100, and the only money we could get our hands on was \$5, I don't care how efficient or effective we are with that money; we're not fixing the \$100 problem. That's to bring it into scale.

If you roll up all of the data presented by the Auditor General over the last five years on what school boards have received versus what the Auditor General suggests is needed, she suggests that \$1.4 billion per year is needed just to maintain schools. That's presupposing that five years ago they were in good shape to begin with, which is actually not the case, but if you assume that, the underfunding over the last five years comes up to close to \$6 billion.

This is a problem that we would like to see addressed in this upcoming budget. The current funding solutions

being offered are simply insufficient—we would say grossly insufficient—to address this problem. One of the funding solutions that we would urge the government to explore immediately in the short term would be to revise Ontario Regulation 20/98, which pertains to the collection and use of education development charges. This is not a complete solution by any stretch of the imagination, but in a fiscal environment where we're hearing that there is no new money, this is something that should be looked at immediately. It's simply a change of a provincial regulation. We're suggesting that all school boards should have access to development money and that these moneys should be able to be used for repairs, capital projects or land purchase.

We're also strongly urging this government to allocate some of the expected federal infrastructure money that is coming to school repairs. While we are huge fans of public transit, not all federal money that's coming our way can go to transit. Some of that money we would urge the government to allocate to repairing and rebuilding Ontario's public schools.

Finally, we have a Premier, Premier Wynne, who's very committed to realizing public assets as community hubs. We would suggest that that represents another opportunity for additional funding. At the moment, school boards bear the brunt of all the capital costs associated with not only the building, but the green spaces that are very valuable to our citizens. We would suggest that community hubs will only fully be realized when the capital costs of both the buildings and the green spaces are allocated in proportion to those that use them, the municipalities and the other ministries that use and benefit from those public assets.

Those are some short-term solutions. In the longer term, we need a long-term sustainable funding source to maintain our schools as the critical part of our infrastructure that they are. We would urge you to consider developing health and safety standards for children in schools, much like the workplace health and safety standards for adults, and then we would urge you to fund those standards accordingly.

Some final recommendations to help address disrepair in our public schools: We would love to see the capital repair backlogs published every year. They should be on public record. It's our money that pays for the assessments that are done, and I believe every citizen in this province should know if their child's school has \$20 million of disrepair.

Establish guidelines for the desired condition at which facilities ought to be maintained. In business, you would have a goal, a target. We would expect this government that's spending billions of dollars on infrastructure to have the same, to have a goal, a target, a standard that should be met.

Finally, we would urge this government to provide constructive and comparable feedback to every Ontario school board on its capital plan.

We have sent the attached letter that you have been handed and we would expect answers to the three

questions outlined, and we would expect the forthcoming budget to provide some answers as well.

To close today, as I mentioned, this disrepair has real impact on real children. I haven't left students a lot of time to speak, but I wanted—Olivia, why would you say that we need to fix our schools? Why is it important?

The Vice-Chair (Mr. Peter Z. Milczyn): Come up and tell us your name, and you can have one minute.

Ms. Krista Wylie: Thank you.

Ms. Olivia Bourk: My name is Olivia Bourk and I go to Runnymede public school. This year our school turned 100 years old. It's not in very good condition. Some kids have to wear their winter coats in class while for others, their classrooms are so hot that it's hard to learn. Our bathrooms don't have locks so you can't have privacy. So some of our schools aren't very safe.

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you, Olivia, for telling us about your school.

We have some questions for you from Ms. Hoggarth.

Ms. Ann Hoggarth: Good afternoon. Thank you, Olivia, for that presentation. You can tell that the children are being well educated. Good job.

I'm on leave from a teaching position and I understand what you're saying. I really appreciate your bringing these concerns forward.

We are committed to supporting school boards, like the TDSB, in providing safe and healthy learning environments for the children. That's very important to us. Now, a lot of the schools—Olivia said her school is over 100 years old. The majority of schools, I believe, in the province were built for the baby boomers, so they were built in the 1950s and 1960s. That sometimes is a problem. It's very hard to not only maintain, but to fix them.

In my riding, we had a school that was just going to—as you said, there's one school that will require \$20 million to fix. Sometimes it's cheaper to build a new school.

Ms. Krista Wylie: Certainly.

Ms. Ann Hoggarth: But parents—I've experienced it since I was elected—get really upset if a school is going to be closed, even though it's in a bad state. That is part of the problem as well. It's a very hard decision for school boards to close schools.

The other thing is that the TCDSB received \$33.6 million in 2015-16, 27% more than last year. The average of their 213 schools is 29%, which is comparable to the provincial average. It's important to note that it actually is the school boards who decide. When the funds are allocated by the government, it's the school board who decides how they are spent.

I don't want to put off—

Ms. Krista Wylie: Right. I'm keenly aware of how that works.

Ms. Ann Hoggarth: I just want to tell you that I really appreciate you coming. As you know, it is impossible to do them all at once.

Ms. Krista Wylie: Right.

Ms. Ann Hoggarth: Can you give us some suggestions as to how you think that we could do this in a way that—we can't possibly do it all at once, right?

Ms. Krista Wylie: Right. Understood. As a collective society—and it's not just Ontario; it's North America—we've left ourselves in quite a pickle. We built all this stuff 50 to 60 years ago and then we decided that we shouldn't really maintain it. Right? Now, you've got a government and you're in a tough spot where you've got angry parents who want you to do it right now. I appreciate what you were saying about how it's tough for school boards to close schools and to move things around. Parents who would grumble about a tax increase, if you threaten closing their local school, they won't grumble; they will show up en masse and raise royal Cain. It's a tough pickle.

I would suggest that one of our recommendations would help a little bit with that. Right now, there's not a lot of transparency between the provincial government and school boards. We're regular citizens. It has taken me almost two years to really understand a little bit about how this works. If school boards were to receive public and transparent feedback on their capital plans, and I, as a parent, knew that money was being withheld to my children's school board because trustees weren't closing a school, I might be a little bit more supportive of closing the school. I would be forced to consider the greater good. Do you know what I'm saying? I think a little bit more transparency might help arm the trustees with the data that they need and the greater-good argument that they would need to close schools.

We're not suggesting that closing schools is our favourite solution either. We're really optimistic that Premier Wynne and Karen Pitre can come together on the community hubs. I'd again highlight that the way we would see community hubs really gaining traction is when you can allocate not only the operating costs of schools as public assets, but the capital costs.

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you very much. I cut you off because we—

Ms. Krista Wylie: Yes, you bet, because it's your time. Sorry.

The Vice-Chair (Mr. Peter Z. Milczyn): Well, no. It's because, to be fair to all our presenters, we give everybody exactly the same time.

Olivia, I really want to thank you for coming. I want you to know that you have a right, like all of your friends, to come and talk to your MPPs, city councillors or school trustees about what you think is important, because your voice does count.

Ms. Olivia Bourk: Thank you.

Ms. Krista Wylie: Thank you all very much.

The Vice-Chair (Mr. Peter Z. Milczyn): If there is no other business of the committee, the committee will stand adjourned until Thursday, February 18 at 9 a.m.

The committee adjourned at 1643.

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STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

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**Legislative Assembly
of Ontario**

First Session, 41st Parliament

**Assemblée législative
de l'Ontario**

Première session, 41^e législature

Official Report of Debates (Hansard)

Thursday 3 March 2016

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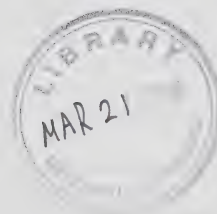
Jeudi 3 mars 2016

**Standing Committee on
Finance and Economic Affairs**

Pre-budget consultations

**Comité permanent des finances
et des affaires économiques**

Consultations prébudgétaires



Chair: Soo Wong
Clerk: Eric Rennie

Présidente : Soo Wong
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRSCOMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES

Thursday 3 March 2016

Jeudi 3 mars 2016

The committee met at 1606 in committee room 1, following a closed session.

PRE-BUDGET CONSULTATIONS

The Chair (Ms. Soo Wong): I am resuming the Standing Committee on Finance and Economic Affairs. With regard to the report, I'm going to call the question on a number of things.

First, shall the draft report, as amended, be adopted? All those in favour? Opposed? Carried.

Shall the final report be translated and printed? All those in favour? Opposed? Carried.

Upon the receipt of the printed report, shall the Chair—so I'm going to give you guys the following: (a) Present the committee's report to the House? All those in favour? Opposed? Carried.

Interjection.

The Chair (Ms. Soo Wong): Okay, I'm going to have to give you three options, according to the Clerk. I'm going to read all three options: (a) present the committee's report to the House; (b) present the report to the House, with a request that the report be considered by the House; (c) present the committee's report to the House, with a motion that the report be adopted.

What is the will of the committee: (a), (b) or (c)?

Ms. Laura Albanese: I think usually we have (c), right?

The Clerk of the Committee (Mr. Katch Koch): Usually (c), because the committee report will contain some recommendations. But in this case, it does not apply, because there are no recommendations attached to it. You can't ask the House to adopt something that's not there. This is why we're left with three options, as the Chair has stated.

Ms. Daïene Vernile: What was (b) again?

The Chair (Ms. Soo Wong): So (b) is to present the committee's report to the House, with a request that the report be considered by the House.

Ms. Cindy Forster: What's to consider? There are no recommendations.

The Clerk of the Committee (Mr. Katch Koch): However, the House can still debate the report, like the select committee on mental health's report. Their report was considered by the House. It was debated in the House.

Mrs. Laura Albanese: But it was a select committee.

The Clerk of the Committee (Mr. Katch Koch): That was a select committee. If you want, you can ask the House to debate the findings of the committee.

The Chair (Ms. Soo Wong): That's not fair for the community who comes here for the committee.

Mrs. Laura Albanese: So we would go with (a).

The Clerk of the Committee (Mr. Katch Koch): Option (a) would be a straight presentation to the House; (b) would be to debate this report; and (c) would be for the House to adopt the report.

Mrs. Laura Albanese: But you said that we have no recommendations.

The Clerk of the Committee (Mr. Katch Koch): No recommendations.

Mrs. Laura Albanese: So (b) and (c) would not be appropriate.

Ms. Cindy Forster: Really, we're presenting it to the House for information, at the end of the night.

The Clerk of the Committee (Mr. Katch Koch): If that's the will of the committee, yes.

The Chair (Ms. Soo Wong): Okay. I'm hearing consensus that we're adopting this: Present the committee's report to the House, period. Right? All those in favour? Opposed? Carried.

Now the fourth question is dissenting opinions, setting the date for the opposition and the third party. I'm going to set the date for Thursday, March 10, 2016, all right? Do we need to put a time, Mr. Clerk? No time? Okay. Is that good with everybody?

Ms. Cindy Forster: Thursday, March 10, by 4 o'clock? What's the end of the day?

The Chair (Ms. Soo Wong): Do you want to do it at the end of the day or the beginning of the day? We'll do it at 4 o'clock? Okay, 4 o'clock, Thursday, March 10.

Any other—Mr. Fedeli.

Mr. Victor Fedeli: I have a motion to present the committee's final report on pre-budget consultations, 2016, to the Minister of Finance.

I move that a copy of the final report of the Standing Committee on Finance and Economic Affairs on pre-budget consultations, 2016, be presented to the Minister of Finance prior to the report being translated, printed and tabled in the House.

The Chair (Ms. Soo Wong): Questions and comments to this motion?

Seeing none, all those in favour? Opposed? Carried.

We're going to adjourn the committee. Thank you very much.

The committee adjourned at 1611.

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First Session, 41st Parliament

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Première session, 41^e législature

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Mardi 22 mars 2016

Standing Committee on Finance and Economic Affairs

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STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRSCOMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES

Tuesday 22 March 2016

Mardi 22 mars 2016

*The committee met at 0902 in committee room 1.*JOBS FOR TODAY
AND TOMORROW ACT (BUDGET
MEASURES), 2016LOI DE 2016 FAVORISANT LA CRÉATION
D'EMPLOIS POUR AUJOURD'HUI
ET DEMAIN (MESURES BUDGÉTAIRES)

Consideration of the following bill:

Bill 173, An Act to implement Budget measures and to enact or amend various statutes / *Projet de loi 173, Loi visant à mettre en oeuvre les mesures budgétaires et à édicter ou à modifier diverses lois.*

The Chair (Ms. Soo Wong): Good morning. I'm calling this meeting to order to consider Bill 173, An Act to implement Budget measures and to enact or amend various statutes.

Pursuant to the order of the House dated March 9, 2016, each witness will receive up to five minutes for their presentation, followed by nine minutes of questioning from the committee, or three minutes for each caucus.

I'm going to ask the committee to ensure that the questions they are asking are relevant to Bill 173 and then to keep it brief, because you only have three minutes for the questioning.

ONTARIO PUBLIC SERVICE
EMPLOYEES UNION

The Chair (Ms. Soo Wong): I'm going to call the first witness forward: the Ontario Public Service Employees Union. Good morning, Smokey. Welcome again. As you heard, you have five minutes for your presentation, followed by nine minutes of questions from the committee members. When you begin, please identify yourself for the purposes of Hansard.

Mr. Smokey Thomas: Hi, good morning. I'm Smokey Thomas, president of the Ontario Public Service Employees Union. With me today is Clarke Eaton, special assistant to the president.

I'm very happy to be the first presenter on Bill 173. As you may know, all 130,000 members of OPSEU work for an employer that receives funding from the provincial government, directly or indirectly, so what's in this budget is of great interest to us.

You may recall, when I made my pre-budget remarks on January 29, that I was skeptical about whether the government would actually listen to what presenters were saying. As it turns out, I was right to be skeptical. When I was speaking to you, the budget was already written.

It's no wonder so many Ontarians are cynical about politics. Who wants to get involved in a fake process? I challenge you to make these hearings a real process. I challenge you to listen to what the presenters say over the next three days and actually consider their input. I challenge you to put forward real amendments that will make this budget better. Most of all, I challenge you to make this budget fairer.

I have many things to say about the budget, from how it ignores the crisis in corrections—although there was one good announcement yesterday—to what it means for our hospitals, to how it impacts precarious workers and poor people.

I could talk about Hydro One or children's aid or home care or colleges, or beer and wine in the grocery stores. But in five minutes I can't possibly touch on every budget item that touches my members, so I want to spend my time to propose one amendment to Bill 173.

I propose an amendment that would subject the 2016 budget, and all budgets to come, to a fairness test. Let me tell you why it's important to do this. First, fairness is a big issue these days. We live in a very unequal world. In 2008, we saw bankers bailed out as regular people lost their homes. In 2011, the Occupy movement led a global protest against income inequality. In 2016, Bernie Sanders is making front-page news, talking about nothing else but fairness. In Ontario, our Premier is talking about closing the wage gap between women and men, but yet her policies make it worse. Fairness matters. Ontarians care about it.

My second point is that the Ontario budget has a fundamental effect on how fair our society is. One out of every six dollars spent in Ontario is spent by the provincial government. That spending has a huge impact on fairness. Universal health care and free public schools exist because we believe that in a democracy, there are some things that are simply too important to be bought and sold in the marketplace. Markets produce prosperity, but they also produce inequality. That's why we need government spending: to tilt the balance in favour of fairness.

My third point is that every government budget moves money around. Budgets take money out of some pockets and put it in others. The question for a given budget is: Does this make Ontario fairer or less fair? We need to know the answer.

A fairness test, which could be administered by the Financial Accountability Officer, is all about measuring how money moves: who loses it, where it goes and who gets it. Where does the budget move money in relation to overall income inequality? How about in relation to gender, or how about in relation to race or disability? That's what a fairness test would tell us.

I encourage you to recommend an amendment to Bill 173 to give the Financial Accountability Officer the power and the resources needed so that Ontarians can tell whether a given provincial budget is making the province fairer or less fair. This is important, because in Ontario the real effects of government spending decisions are being hidden.

Here is what I mean: The two guiding principles of the current government and the 2016 budget are (1) austerity for the public sector, and (2) massive government spending on infrastructure. Both of these policies are deeply connected to the core policy of this government, which is the privatization of public services and assets.

The result is that we are seeing a massive transfer of wealth from the public to private interests, especially private investors and major corporations. We are seeing a massive transfer of wages from the most female-dominated sector of the economy—the public sector—to the most male-dominated sector—the construction sector. These are facts, but I don't think Ontarians see what is happening; they're not supposed to.

By instituting a fairness test and by having the Financial Accountability Officer report annually on the results, Ontarians would get a new window into what is really happening with their money.

The Chair (Ms. Soo Wong): Mr. Thomas, I need you to wrap up, because I have to turn it to questioning.

Mr. Smokey Thomas: Okay, I've only got one or two sentences.

More transparency will make the government more accountable and our provincial budgets fairer. I encourage you to recommend that a fairness test be included in Bill 173.

The Chair (Ms. Soo Wong): Thank you very much. I'm going to turn to Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much, Chair.

You talked about the fact that the budget was already written while it was debated. Of course, it was confirmed yesterday that before you sat in that seat on February 1 or 2, the budget was already at the translator's, on January 27. That has now been confirmed by the ministry.

I have one question for you: Is this a good budget for the public service?

Mr. Smokey Thomas: No. It's a horrible budget for public services. There's still another \$900 million in cuts to the public service. Ironically—or maybe calculated, or somehow—all the over-expenditures and P3s, the \$8

billion, are about equal to what they've cut out of public services since they took office.

They put a little money into health care, but it's targeted and there are still cuts going on to hospitals and health care. Children's aid societies are starving. There's no real increase in spending in the public service. In fact, there are more cuts. Actually, I put it this way to a reporter: The cuts the government has been doing and is going to continue to do may not affect you today, but they will affect you someday and the effect will probably be profound.

When a person calls ServiceOntario and gets put on hold for an hour, that's not because the workers are lazy; that's because where there used to be 30 people doing the work, there are now seven or eight. That's the effect of cuts that people don't see; it takes a while for them to flow through. This budget will make public services harder to get, will subject the most vulnerable people in our society to much more pain and suffering, and will make it much more difficult for them to navigate the system.

Mr. Victor Fedeli: You talked about cuts to health care. They talk about the 1% increase that hospitals received, but were you aware that hospitals will lose \$107 million from the Ontario lottery corporation money they were receiving in the past? Is that something you were aware of?

Mr. Smokey Thomas: No, I didn't know that. Once again, where is that \$107 million going?

Mr. Victor Fedeli: I'm going to have to get you on my Focus on Finance newsletter subscription so you can read these things.

Mr. Smokey Thomas: I will. I'd like that.

Mr. Victor Fedeli: And are you aware, then, that parking at hospitals will be a cost of \$28 million as well?

Mr. Smokey Thomas: Well, I did know that. Sara did tell me that.

Mr. Victor Fedeli: So when they talk about an increase to direct hospital funding, there is a decrease, first of \$28 million and then the \$107 million that the hospitals were getting from the lottery corporation.

Mr. Smokey Thomas: That's what I mean by sleight of hand. Somebody should go through this budget and report to the Legislature on fairness. Is it fair? Does it say what it's going to do?

0910

The Chair (Ms. Soo Wong): Okay. I need to stop you.

I'm going to turn to the third party. Ms. Armstrong.

Ms. Teresa J. Armstrong: Thank you very much for presenting today. It's always a pleasure to hear your comments on legislation.

You definitely focused on the fairness piece, and you talked about how the test could be administered. Once that test, in theory, is administered—if we did the FAO, Financial Accountability Officer test—and those results come back, how do you see the budget—the government would listen to the results and how they would actually implement those things. What would fairness look like if

the fairness test was applied and the outcome was to be more fair?

Mr. Smokey Thomas: Well, what I'd really to see is, when they propose the budget, they give it to the office of the Financial Accountability Officer first and say, "Could you pass comment?" But if they don't do that, then it should go to that office after.

I believe this Legislature, upon a majority vote, can change anything in this province, so why couldn't you change spending midstream? In my union, it's democratic. We change course when we need to. All organizations should be nimble enough to address the needs of real, living, breathing people. So I would propose that the Legislature has that authority already—except they've got a majority and that's your problem. Right?

Ms. Teresa J. Armstrong: Yes. It's a bit of a challenge.

Then you touched on privatization and the cost of privatization. Where do you think that philosophy comes from? We've heard that public-private partnerships actually cost more than having a full public rollout of a project. Any thoughts on why they continue to use that model that's flawed if it costs the province \$8 billion in the long run?

Mr. Smokey Thomas: Well, somewhere along the way somebody drank that privatization Kool-Aid. I really don't know why they're into it so bad, but every example of privatization you see, whether it's a small service, big service or in between is a disaster—every one of them. Every one of them costs the taxpayers more. I'll give you an example. Right now, they're going to privatize sheriffs—49 people. They're going to turn it into a private sector enterprise. Somebody is going to make money off that, and I just wonder who that somebody might be.

So everything that happens, whether it's EllisDon or all these corporations—they all seem to have ties to the Liberals. Even some unions seem to have ties to the Liberals that I find worrisome. It's flawed. It's happening around the world. They'll cite Australia as a classic example of how great it is—it's horrible in Australia, actually—and bring in the president of a union from Australia to our convention to talk about privatization. So somewhere they believe it's better. I don't think they believe it's better because they want it to be better. I just think that it's some way of rewarding their friends and transferring public wealth to private pockets.

Ms. Teresa J. Armstrong: And if we have any time left, how do you feel about the sale of Hydro One, as far as that privatization piece?

Mr. Smokey Thomas: Well, 82% of Ontarians say you shouldn't sell it, and the Premier is going to sell it anyway. So I would say out of touch—

The Chair (Ms. Soo Wong): Okay, Mr. Thomas. I need to turn to the government side. Ms. Hoggarth.

Ms. Ann Hoggarth: Good morning, Smokey. As a former union president, I was very interested in your presentation.

As we travelled around the province, we heard from a lot of your members—very hard-working, industrious

people—and we listened. In your presentation, it said that we ignored the crisis in corrections. However, as you know, there has been more money put into corrections. Yesterday, the announcement was made that there will be 2,000 more corrections officers. It was very important to our group that that happened. We heard very strong presentations from your members. I'm pleased to be part of the government that has done that. I wonder, are you pleased with that announcement?

Mr. Smokey Thomas: Oh, absolutely, over the top.

Ms. Ann Hoggarth: Thank you.

The Chair (Ms. Soo Wong): Okay. Is that it?

Mr. Smokey Thomas: But you didn't address all the other issues in corrections. There still needs to be millions of dollars put into fixing infrastructure.

The Chair (Ms. Soo Wong): All right. Thank you very much, Mr. Thomas. Thank you for your presentation and your written submission.

Mr. Smokey Thomas: Nice try, sister.

YMCA OF GREATER TORONTO

The Chair (Ms. Soo Wong): The next group coming before us is the YMCA of Greater Toronto, with Mr. Medhat Mahdy as well as April Bateman.

Good morning. Welcome. The Clerk is coming around with your presentation, your written submission. When you begin, please identify yourself for the purposes of Hansard. You have five minutes for your presentation. All right? Thank you.

Mr. Medhat Mahdy: Good morning, Madam Chair and committee. My name is Medhat Mahdy. I'm president and CEO of the YMCA of Greater Toronto and the president of YMCA Ontario. My colleague April Bateman is the senior manager of government relations for YMCA Ontario. I want to thank you for the opportunity to address the committee today.

The YMCA has been enriching the lives of Ontarians for over 160 years. YMCAs across Ontario serve over 1.4 million people in more than 125 communities.

The YMCA of Greater Toronto is a registered charity that provides community-driven programs and services that address complex health and social needs. Our programs include:

- child care;
- education and training;
- emergency and transitional housing;
- employment services;
- community initiatives;
- immigrant and settlement services; and
- health, fitness and aquatics.

As the budget indicates, Ontario is a leader in growth and job creation. While Ontario's economy is projected to be one of the fastest-growing in Canada, the Ontario government continues to plan for future prosperity. We know that health is a precondition for prosperity. That's why the vision of the YMCA is that our communities will be home to the healthiest children, teens and young adults.

To bring our vision to life, we plan to build up to 10 new YMCA Centres of Community across the greater Toronto area. They will be leading examples of healthy infrastructure, a critical type of social infrastructure designed and operated to promote community health, helping Ontario to build a strong workforce and prosperous future.

We opened our first new centre in January 2015: the Vanauley Street YMCA, which provides wraparound services for street-involved and homeless youth.

In May 2016, Cooper Koo Family YMCA will open, a legacy project from the Pan Am/Parapan Am Games.

In 2018, we will open the Kingston Road YMCA.

We are working in partnership with the city of Vaughan to build a YMCA Centre of Community at the Vaughan Metropolitan Centre.

Today, we want to speak to you about two exciting YMCA-led healthy infrastructure projects in the city of Toronto. We need your help with them because they matter to Ontarians. The first is the Kipling YMCA Centre of Community at the corner of Kipling Avenue and Dundas Street West in Etobicoke. This community is underserved by healthy infrastructure and healthy programs, and we plan to build a YMCA Centre of Community up to around 60,000 square feet.

I would also like to draw your attention today to a project that requires urgent support from the government. The Bridletowne Neighbourhood Centre is an exciting project that has inspired a tremendous amount of community support and public interest. This project meets immediate community health needs for residents of Scarborough. This project is a collaboration between the city of Toronto, the United Way, the Scarborough Hospital, Agincourt Community Services Association and the YMCA. The BNC is a healthy hub that will provide important services for the Steeles-L'Amoreaux community in Scarborough. It will have five core offerings, including: a life-saving dialysis unit; a YMCA; a large, licensed child care centre; and a community agency hub that will house many community agencies. It will be built on the former Timothy Eaton school site. Budget 2016 highlights the government's support for community hubs. We believe this project aligns perfectly with Ontario's community hubs strategy.

We submitted two requests regarding the Bridletowne Neighbourhood Centre in the pre-budget consultation: The first was a request for the YMCA component of this project, which was made by YMCA Ontario; the second was a detailed submission from the project partners, which outlined a need for dialysis provision in this community and requested support for the Scarborough Hospital component of the project.

The BNC combines Ontario's community hubs strategic framework and action plan with its Patients First health policy framework in an underserved and vulnerable community. This project will help position Ontario as a national leader in developing cost-efficient, community-based health and social services infrastructure.

We know that the province is working with the federal government to secure its per capita share of funding for social infrastructure projects. It is our hope that the province invests in the shovel-ready and very shovel-worthy projects that the YMCA of Greater Toronto has proposed today.

The Chair (Ms. Soo Wong): I'm going to turn to Ms. Armstrong for this round of questioning.

Ms. Teresa J. Armstrong: Thank you very much for coming in to present.

In London, I've met with recent reps for the YMCA, and they talked about exciting projects in southwestern Ontario. That's my area.

I also just want to congratulate Andrew Lockie, the newest CEO of the western YMCA. Congratulations to him.

You talked about some wraparound services that you have there. Could you describe how the YMCA identified the need for those services, and then the process of implementation and the outcome of that whole program? It's something unique that I haven't heard about before.

Mr. Medhat Mahdy: Before we build, we do a community engagement process, and we also look at health data and determine what that neighbourhood is going to need.

0920

The Vanauley Street YMCA: It's at Queen and Spadina, which is a destination place for street and homeless youth. The wraparound services they need are a shelter, pre-employment training, substance abuse counselling and things like a drop-in centre. We also built a kitchen, so we feed any of the kids who come in. We built laundry facilities so that street kids can come in and do their laundry. We built shower facilities so they can come in and take a shower. No young person really wants to be homeless, but they're living on the street and they need these very basic services. We bring in volunteer lawyers and health practitioners. That's one example of looking at a community, figuring out what the needs are and bringing in wraparound services.

Ms. Teresa J. Armstrong: I want to congratulate the Y, because you're not just the place you go to for physical activity anymore; you actually have that social conscience now, which is great. And having that kind of facility in the neighbourhood it services is wonderful.

That was my last question. Any other comments that you'd like to add?

Mr. Medhat Mahdy: I think the other comment I would add is that in Toronto, we work with 60,000 new Canadians a year. We have very robust immigrant settlement services. We'll look at each community we move into and see what we can do.

Ms. Teresa J. Armstrong: Thank you very much.

Mr. Medhat Mahdy: And Andrew was a camp director.

The Chair (Ms. Soo Wong): I'm going to turn to the government side. Mr. Milczyn?

Mr. Peter Z. Milczyn: Good morning, Mr. Mahdy. Thank you for coming in.

Mr. Medhat Mahdy: Good morning.

Mr. Peter Z. Milczyn: I'm not going to spend the whole morning talking to you about the Kipling Y; we could easily do that.

In our budget this spring, one of the initiatives that the government is going to be pursuing aggressively is ensuring that there is more programming to support physical activity, a healthy lifestyle and better nutrition for children and youth, especially children and youth in need. Could you speak a little bit about how your facilities tie in to providing those services throughout the province and certainly within the GTA?

Mr. Medhat Mahdy: Throughout the province, and primarily within the GTA, every centre that we build has what is called a youth zone for youth. We have youth leadership development programs, we teach about 12,000 kids to learn to swim a year, we work with immigrant families and we have a program called Newcomer Youth Leadership Development, which is looking at the children of immigrant families and bringing them into a program.

We have a program in all of our centres in the GTA called Teen Nights, where any teen can go to the Y for free on Saturday night. It's organized by teens, for teens, with adult support. Last year, we saw 12,000 different teens. Since we introduced the program, we've had 50,000 teens come in.

We're the largest provider of not-for-profit child care in the country. We have 280 child care sites, just in the GTA itself. We work with about 24,000 families and their children.

So we have a suite of programs that are all designed to focus on early child development but also youth development and youth leadership, and we have a very robust financial assistance policy, so nobody is turned away because they can't afford the full fee—we subsidize a number of kids who come to camp in the summer.

So we look at a series of those programs, and each of the centres will determine, based on community needs, which programs will be offered.

Mr. Peter Z. Milczyn: One of the things we're pursuing is the Healthy Kids Community Challenge, which is being rolled out in about 45 communities across the province—

Mr. Medhat Mahdy: That's correct.

Mr. Peter Z. Milczyn: —and I understand that the Y is a partner.

The Chair (Ms. Soo Wong): Mr. Milczyn, I'm so sorry. We have to stop here.

Mr. Barrett?

Mr. Toby Barrett: Thank you to the Y for testifying. You do have a good reputation over—I didn't realize—160 years. That's in Ontario?

Mr. Medhat Mahdy: In Ontario. In Canada, it's about 165 years.

Mr. Toby Barrett: I represent a rural riding. We don't have a YMCA—we never have had one—so it's enlightening for me to see that in some areas you provide

employment services, health programs, child care and what have you.

You indicate that you serve 1.4 million people. Do you relate at all to the rest of the province? I'm sure you're on some cross-appointed boards that serve other parts of Ontario or provide advice, say, to rural Ontario or parts of northern Ontario that don't have a Y.

Mr. Medhat Mahdy: Yes. We have Ys in northern Ontario—

Mr. Toby Barrett: In the cities, I guess, yes.

Mr. Medhat Mahdy: —and we also have a number of Ys that reach out to rural communities. It's one thing to have a Y building, but it's another thing to make sure you have Y services. Many of our independent associations across Ontario, of which there are 29, provide rural services where they can. Depending on the rural area, I can get you more information.

Mr. Toby Barrett: Maybe this is an expectation for the federal budget tomorrow: You talk about shovel-ready, so you have a number projects that are so-called shovel-ready—

Mr. Medhat Mahdy: We are shovel-ready, yes.

Mr. Toby Barrett: Yes. Okay. Thank you very much.

Mr. Medhat Mahdy: Thank you.

The Chair (Ms. Soo Wong): All right. Thank you very much for your presentation and your written submission.

ARCH DISABILITY LAW CENTRE

The Chair (Ms. Soo Wong): The next group before us is ARCH Disability. Good morning, and welcome.

Ms. Dianne Wintermute: Good morning, Madam Chair and members of the committee. My name is Dianne Wintermute. I'm a lawyer with ARCH Disability Law Centre. Beside me is Josh Patlik, who is a member of the Disability Law Intensive Program that we partner on with Osgoode Hall Law School.

ARCH is a legal centre that promotes and defends the rights of persons with disabilities who live in poverty. We're here today to speak to the omnibus bill, Bill 173.

With that, I'm going to turn it to Josh.

Mr. Josh Patlik: Thank you all very much, Madam Chair and members of the committee.

In June 2015, this government committed to reviewing 51 statutes to identify barriers to accessibility. We will make two submissions today about the proposed amendments that that review produced: first, that the proposed amendments only really get to issues of process, even though the real barriers to inclusion lie in the substance of the reviewed statutes; and second, that persons with disabilities need to be meaningfully consulted in the development and review of Ontario legislation.

In support of our first submission, I will discuss the Compensation for Victims of Crime Act and the Education Act.

The proposed amendments to the Compensation for Victims of Crime Act would do two things: First, they would allow for deadline extensions in certain cases; and

second, they would allow for a wider range of methods of serving documents to be used in proceedings before the Criminal Injuries Compensation Board.

While these changes may be of some benefit for some persons with disabilities, the act contains far more serious rights violations. Our letter to Premier Kathleen Wynne dated September 8, 2015—which you can find on our website—notes that section 21(4) of the act allows the board to pay the victim's award to another person without even requiring a proper assessment of the victim's capacity to manage his or her own property.

One more section that is problematic is section 9(2) of the act, which actually allows the alleged offender to participate in the hearing as a party. This creates a big barrier at all stages of the process. If a victim with a trauma-related disability found out that the alleged offender might even participate in the proceeding, the victim might decide not to even apply for compensation at all. The presence of the alleged offender could cause re-traumatization, anxiety and related disabilities, negatively impacting both the victim with the disability and his or her credibility on the stand.

0930

I will now discuss the Education Act. The proposed disability-related amendments to the act update some terminology and they permit school principals to extend deadlines for suspension appeals. However, they do not address any of the substantive problems with the act that our September 8 letter identifies. For example, clause 265(1)(m) of the act allows a school principal to exclude a student with a disability from a classroom or a school if that principal judges the student's presence to be "detrimental to the physical or mental well-being" of the other students at the school.

Now, while there are several fundamental problems with this provision, we will highlight just one of them today. In ARCH's experience, principals often use their discretion under that provision to exclude students because of resource shortfalls or because a student's disability-related needs have not been properly accommodated. This violates the rights of students with disabilities to equal access to education under Ontario's Human Rights Code. The act, we say, should expressly prohibit a principal from unilaterally excluding a student with a disability for those reasons.

By way of conclusion, I will address our second submission.

The Chair (Ms. Soo Wong): I'm sorry; I need to stop you here to go to start the round of questioning. I'm going to turn to Mrs. Albanese for this round of questioning. Mrs. Albanese?

Mrs. Laura Albanese: Thank you very much for your presentation. It was very insightful. If I can sum it up, I guess you're saying that our legislative review addresses more technical barriers, but that there are more substantive problems that you think need to be addressed in various statutes. Am I correct?

Ms. Dianne Wintermute: That's correct. Our submission is that the amendments are predominantly house-

keeping and incorporate powers that some wards or tribunals already possess by extending discretionary time periods. So, they don't really further the interests of persons with disabilities who live in poverty.

Mrs. Laura Albanese: I'm hoping that this can be seen as sort of a first step. I also know that the budget states that moving forward, all ministries will be held accountable to continue looking for different opportunities to review other statutes.

I have two questions. One would be, what do you see as being the greatest barrier or barriers going forward? The second is, what kind of role would you like to play with the ministry or could you play, let's say, with the government, in advising us moving forward?

Ms. Dianne Wintermute: The greatest barriers that we see in the pieces of legislation that we've reviewed are both accessibility and accommodation for persons with disabilities. Those are the substantive issues that we would like to see addressed.

In moving forward, ARCH would be delighted to work with the government in order to review legislation. But we also think that the community of persons with disabilities themselves need to be involved in that process because their lived experience on a day-to-day basis is what informs what the barriers are to their participation. So we would be happy to provide the government with names of organizations that support people with disabilities, or individuals, and as I say, ARCH itself would be delighted to participate as well.

Mrs. Laura Albanese: So be a resource, let's say, even to connect us with grassroots consultations.

Ms. Dianne Wintermute: Absolutely.

Mrs. Laura Albanese: Thank you.

The Chair (Ms. Soo Wong): Okay, I'm going to turn to Mr. Barrett.

Mr. Toby Barrett: Yes, thank you to the ARCH Disability Law Centre for coming forward.

In recent years, this government has received and basically funded two major reviews of the field—the Frances Lankin report, and before that the Gail Nyberg report. For example, Frances Lankin and I think Nyberg—and there were others—recommended merging disability with welfare. Any comments on that?

Ms. Dianne Wintermute: I do have some comments on that. I will say that income support programs is not a priority area for ARCH since there are other clinics that do practise that kind of law exclusively, but, in my opinion, the merger of Ontario Works with the Ontario Disability Support Program would not be something that ARCH would recommend. There are specific disability needs that need to be dealt with separately from the Ontario Works program, and some of those are outlined in the ODSP act already. There's also a difficulty with the view of the two programs. Unfortunately, one is seen by the public as a government handout for people who don't want to work, while the other is seen as more of an entitlement program for those who can't work. I think trying to merge those two ideas would be problematic.

Mr. Toby Barrett: I hear what you're saying. With respect to those two reviews—there were a host of other recommendations, and I think some of them have been picked up—is there anything else that comes to mind as far as recommendations to government that may require—a lot of it is just changing some regulation or some protocol within the bureaucracy, for example. But is there anything that requires an amendment to legislation somewhere?

Ms. Dianne Wintermute: I would think so. The one topic that comes to mind is that in the ODSP act, the provision still exists that addictions are not counted as disabilities under that program despite a Supreme Court of Canada and Ontario Court of Appeal case that specifically recognized addictions as disabilities. So although that provision is not being applied at this point in time, it could be at some point in the future. That's just one issue.

Extending the—

The Chair (Ms. Soo Wong): Sorry, Ms. Wintermute, I have to stop you.

I'm going to Ms. Armstrong.

Ms. Teresa J. Armstrong: First, I want to say thank you to Dianne Wintermute and Josh Patlik for coming in today. It's really important to hear the disability side integrated into the budget.

Josh, you were making your presentation and you were cut short. If you'd like to continue on with your thought, I'm happy to give you that time.

Mr. Josh Patlik: What I was going to say has been echoed by Dianne, but it'll be just 20 seconds so I'll continue.

The shortcomings of this legislative review clearly show that persons with disabilities need to be meaningfully consulted in the development and review of Ontario legislation because their direct, lived experience of barriers makes them excellent sources of knowledge about the extent of barriers and about how the law should respond.

As well, the credibility of the review process requires that persons with disabilities be involved. They should be included as full partners in the inclusion process rather than seen as passive subjects of legislative change.

Ms. Teresa J. Armstrong: I love that conclusion to your presentation.

You talked about the crime act for victims with disabilities. I was going to ask if you can give us an example of someone who has gone through the crime act where it has adversely affected them—because you mentioned the payments that are given to someone without an assessment of a person's abilities to handle their own property.

Ms. Dianne Wintermute: Thank you for that question. We had a client who had a documentary hearing before the board. The board never saw him. The board did not ask him questions. Initially, he was denied compensation, although his father and sister received compensation for the murder of the mother. Our client was denied compensation because the board determined, in the first instance, that they couldn't distinguish between

the trauma he suffered as an individual with autism and the trauma he might have suffered as a result of seeing the aftermath of the murder of his mother. We asked for a reconsideration of that decision and we got a letter saying that he was awarded the same amount of money as his father and his sister. So we waited and waited and waited for the cheque, and then we called the board and asked where it was. They said, "Oh, we sent it to the Public Guardian and Trustee."

0940

So not only was the Substitute Decisions Act not followed, nor was there any inquiry into his ability to manage his own finances or whether or not there was somebody else—

The Chair (Ms. Soo Wong): Sorry. I need to interrupt. Thank you for your presentation. Now, you have until this Thursday, March 24, 6 p.m., if you want to do any written submission. Okay?

Ms. Dianne Wintermute: Thank you.

The Chair (Ms. Soo Wong): Thank you very much for your presentation and for being here.

MR. PATRICK SHERMAN

MS. LAI CHU

The Chair (Ms. Soo Wong): The next group before us: Patrick Sherman and Lai Chu. The Clerk is coming around with the handout.

Good morning, Mr. Sherman, Ms. Chu, welcome. As you probably heard, you have five minutes for your presentation, followed by three minutes of questioning from each caucus. You may begin at any time. When you begin, please identify yourself for the purposes of Hansard.

Mr. Patrick Sherman: Good morning, Ms. Chair and members of the committee. Thank you for the opportunity to address you. My name is Patrick Sherman and the lady sitting beside me is Lai Chu. Combined, we have been residents of Scarborough for more than 75 years and are very involved with our community.

Scarborough is located in the eastern part of the city of Toronto. It is an underserved area with limited community-based health, social and recreational services to support this growing, diverse community.

In the 2014 throne speech, the government indicated its intention to create community hubs across Ontario, as they will enable Ontarians to have greater access to a variety of community-based programs, including health care, social and recreational services. This intention has been repeated in both the 2015 and 2016 budgets. We support this government's investment in community health infrastructure projects such as community hubs. These hubs will expand local service capacity and address emerging needs in the community. Furthermore, they are the most cost-effective way to deliver health and social programs to a diverse, growing community like Scarborough.

The proposed Bridlewood community hub in the northwest part of Scarborough is an innovative and

unique initiative. If built, it will transform current hospital-centric delivery of health care to a more community-based comprehensive health and social services model for the GTA. The proposed model is an integrated partnership with the YMCA, the city, the United Way, the Scarborough Hospital and the province.

The recent Scarborough-West Durham expert panel report recommends support of the Bridlewood community hub. "TSH's community partnership for chronic kidney disease (CKD): TSH's proposed siting of CKD and dialysis services at the future Bridletowne community centre in partnership with the YMCA is an example of an innovative care delivery model that embodies Triple Aim principles of cross-sectorial collaboration and a broadened role for community-based services." That's an actual quote from that expert panel report.

It has been recommended that the Ministry of Health and Long-Term Care work in partnership with the Ontario Renal Network, in consultation with TSH, to undertake an early works capital project for a satellite chronic kidney disease and dialysis centre as part of the plans for a new Bridlewood community hub in Scarborough.

The YMCA is working with the Hong Fook Mental Health Association to offer mental health programs in the community out of this proposed facility. These are just a couple of examples of the significant opportunity to save health care dollars, delivering care and services to residents in the community and providing care closer to their home.

The proposed Bridlewood community hub is supported by Scarborough community council, and considering the province works collaboratively with local government—the Premier has always said she respects the decisions made by lower levels of government—this means both the Premier and the Minister of Health need to act on the decision made by Scarborough council.

This hub project is under significant time constraints. The city has drawn a line in the sand, figuratively speaking, and is requiring the YMCA to secure support from the provincial and/or federal government by September 2016 before it will finalize land transfer arrangements between the city and YMCA. Without these—

The Chair (Ms. Soo Wong): Mr. Sherman, can you wrap up? Thank you.

Mr. Patrick Sherman: Okay. My last point is that the YMCA cannot seek private and corporate donations as a result of not being able to have that land transferred.

The proposed Bridlewood community hub needs to be acted on now. The majority of Scarborough residents have expressed their support for the recommendations. The province recognizes the value and the pragmatism of expanding the movement of core services into the community, utilizing community hubs. All that is needed is action. We need the Minister of Health and Long-Term Care to implement the recommendations.

The Chair (Ms. Soo Wong): I'm going to turn to Mr. Fedeli to begin this round of questioning.

Mr. Victor Fedeli: Mr. Sherman and Ms. Chu, thank you very much for being here, and thanks for the work

that you're doing in your community. It sounds absolutely wonderful. It ties in, obviously, with the presentation we had a few minutes ago from the YMCA of Greater Toronto, who focused in on that Bridletowne project as well.

When you talk about this line in the sand that's coming up now and this overhanging deadline of September 2016, which sounds fairly imminent, that tells us this didn't just start yesterday. How long has this been going on? What has transpired to date? What kind of communications have you had with the province to date?

Mr. Patrick Sherman: Well, the original—and Lai can correct me—actually, the good Chair was a school trustee who identified the Timothy Eaton school property as being very important to the community and that it shouldn't be put up for public sale. That was the first indication.

Ms. Lai Chu: I'll continue with that—

Mr. Patrick Sherman: Yes, go ahead.

Ms. Lai Chu: As we indicated, we are from the community and we've lived there for a long time, so we've already identified what the needs are. When there was a surplus with Timothy Eaton, which is going back, to answer your question, about six years ago—we've been at it since six years ago. But it takes a lot of work and also support from different levels, different individual people from the school board on, in order to get to the city, before we actually even proceed with that, so—

Mr. Victor Fedeli: So the city is in now—

Ms. Lai Chu: Six years ago.

Mr. Victor Fedeli: The city is ready?

Ms. Lai Chu: Actually, the process with the city—yes, it is. But there are certain requirements for them before they actually transfer the land to the YMCA, and that's why this is a very, very critical time for us.

The Chair (Ms. Soo Wong): I'm going to stop you, and I'm going to turn to Ms. Armstrong.

Ms. Teresa J. Armstrong: I want to understand. The Scarborough council is inside?

Ms. Lai Chu: Yes.

Ms. Teresa J. Armstrong: And you need some type of land transfer piece to happen? How does the government fit into that? That's what I'm trying to understand.

Ms. Lai Chu: The council has passed the expert panel report that came out in December, and particularly, in that report there is an item supporting the hub itself. So they passed that. So to be clear, there's a line in there.

Ms. Teresa J. Armstrong: What's the delay in getting that land transfer piece? Where is that level of government delay? Is it provincially?

Ms. Lai Chu: Right now, it's the city, but we need to come here to be able to allow the provincial government to pass that panel; therefore, there would be opportunity for us to get some funding. In order to tie into what Medhat was saying, we're all ready to go, but all those pieces have to be put together. So it's very critical for us, and that's why we're here.

Ms. Teresa J. Armstrong: Is this a unique development in Scarborough? Would this be one of the first hubs of that kind?

Mr. Patrick Sherman: Of this nature, yes.

Ms. Lai Chu: Yes, in fact, it's even Ontario—because it's the first one where the community has approached the YMCA, the city. We put it together. That's one uniqueness; and two is, there are a lot of partners and this project is very expensive.

Ms. Teresa J. Armstrong: May I ask the cost?

Ms. Lai Chu: I think it's \$60 million—

Interjection.

0950

Ms. Lai Chu: It's \$70 million now, so it's gone up since then.

Actually, it's great, because you have so many partnerships, including us. We're ready to do fundraising too—

Mr. Patrick Sherman: We're not costing anything.

Ms. Lai Chu: Yes, we're not costing anything.

Ms. Teresa J. Armstrong: Okay. Well, thank you very much today for bringing that forward.

The Chair (Ms. Soo Wong): Okay. I'm going to Mr. Milczyn.

Mr. Peter Z. Milczyn: Ms. Chu, Mr. Sherman, thank you very much for coming in this morning. I've been working on a very similar initiative in Etobicoke—Lakeshore with the Y, so I know what you've been going through.

When you talk about a hub, you're talking about integrating health care, recreational programs—I assume there might be daycare there as well.

Ms. Lai Chu: Yes.

Mr. Peter Z. Milczyn: You're seeking support from the province, and I assume from the federal government as well, to develop a community hub as has been envisaged under the report that was prepared by Ms. Pitre. Could you tell us a little bit about the kind of partnership that you envision and who all the partners in that would be?

Ms. Lai Chu: Do you want me to take that?

Mr. Patrick Sherman: Well, I can start, and if I stumble, you can pick it up.

Ms. Chu and I approached the city and the YMCA as initial partners because it would require the city to rezone. It is school board property, so it would require the city to rezone it, which has happened. I think, Peter, you were a member of council at the time Ms. Chu and I presented to city council the last time to support this program, which was done probably about four years ago.

The Y was approached as a senior partner. They would fundamentally be the builder of the property, the manager of the property. We approached the Scarborough Hospital, because they were looking for about 40,000 square feet for their dialysis centre. They have smaller community-based dialysis hubs around Scarborough, but they needed to consolidate to provide the level of services that were required.

The city and the United Way have been approached because our neighbourhood was classified prior as something called a priority neighbourhood. There was a

severe shortage of services that were needed by members of the community. We had a lot of—

Mr. Peter Z. Milczyn: So—and I don't want to interrupt you—the hub concept that you're talking about is integrating the various programs which the province supports around healthy kids, health care, child care, in a partnership between the YMCA, which is not-for-profit, the city and private sector donations as well.

Mr. Patrick Sherman: Exactly.

Ms. Lai Chu: Yes.

Mr. Patrick Sherman: And the part that's important to the YMCA—without the land transfer happening in September, the city has said, fundamentally, “This is dragging on too long. We have to close this down by September.” The Y is under a lot of duress to finish their funding formulas, their funding plans.

The Chair (Ms. Soo Wong): Okay. I'm going to just stop you. Thank you, Mr. Sherman and Ms. Chu.

ONTARIO ASSOCIATION OF NON-PROFIT HOMES AND SERVICES FOR SENIORS

The Chair (Ms. Soo Wong): The next group before us is the Ontario Association of Non-Profit Homes and Services for Seniors. The Clerk has a written submission for all of us.

Good morning, and welcome. I believe we have Debbie Humphreys, Dan Buchanan and Debra Cooper Burger. As you've probably heard, you have five minutes for your presentation, followed by three minutes of questioning from each party. You may begin any time. When you begin, please identify yourself for the purposes of Hansard.

Ms. Debra Cooper Burger: Certainly. Good morning, Madam Chair and committee members. My name is Debra Cooper Burger. I'm chair of the board of directors for the Ontario Association of Non-Profit Homes and Services for Seniors, also known as OANHSS. I'm also the chief executive officer for the Unionville Home Society, which is a seniors' campus in Markham, Ontario. With me is Dan Buchanan. He's the OANHSS director of financial policy.

Our organization has been around for over 100 years, representing seniors' care and seniors' services in the province of Ontario, and so we bring to you today an overview of our pre-budget priorities, prior to the budget being passed.

Ontario's long-term-care homes serve an extremely vulnerable population; I'm sure you're aware of that. That population has some very complex needs. It's not little ladies sitting having tea anymore; we're dealing with high levels of acuity and certainly some very complex behavioural needs.

Our residents and their families rely on provincial funding to be able to ensure that homes have adequate staffing and that the staff have the proper training to meet those care needs. We're doing the best we can as a sector

in our non-profit homes. But the care needs go far beyond what our current funding levels can address.

In our pre-budget submission, we identified four priorities for investment in the long-term-care sector.

The first is staffing. We specifically recommended that there be funding to increase staffing to a provincial average of four hours of care per resident per day. Again, that's consistent with the care averages in other provinces. This is not a new recommendation; this has been on the books and was presented in a commissioned report to the Ministry of Health and Long-Term Care in 2008. That report, from Shirlee Sharkey, was endorsed by the government at that time. That was eight years ago, and we still have a very long way to go. Currently, we have an average of about 3.4 hours of direct care per day per resident.

Our second priority was to address some very specific care needs. We feel that each long-term-care environment should have a dedicated team with specialized skills to address the increasing number of residents that are coming into our environments with high levels of advanced dementia and aggressive and responsive behaviours.

Seniors living with dementia are a large part of our population, and the forecast is for that to continue to grow. Currently, six out of every 10 individuals in long-term care, or about 47,000 residents in all of our homes, suffer from some form of dementia. So it's definitely an area where we need the skills development and we need specialized care levels. We believe that dedicated teams with that specialized level of skill for caring for these residents is the best approach and that the best skills should be in each home.

Our third priority was to address the number of designated behavioural units in Ontario. The Ministry of Health, through the local health integration networks, currently funds six designated behavioural units but, from our numbers and our analysis, we believe that we need a minimum of 12 more of those units to handle really severely challenging residents and to have them in a specialized environment.

Finally, one of our other priorities in terms of the budget was to address the health and well-being of our residents through food funding. We currently receive \$8.03 per day per resident to provide them with three meals and their snacks. That also includes very specialized diets—diabetic, dialysis-type diets. That funding simply is inadequate. I think all we have to do is look at our own personal grocery bills these days. Over the last five years, food funding has lagged by 7.7% behind the Ontario food inflation rate. So we're way behind where we should be. We would need an increase of 62 cents per day per resident to close that gap and to bring us to where we believe we need to be.

In terms of all of our budget recommendations—the four hours and the behavioural support systems—we costed it out at about \$385 million over a two-year period. In terms of the provincial budget that was released, there was \$10 million that was allocated in each

of the next three years to provide some behavioural support to the system through the Behavioural Supports Ontario Project. Certainly that helps, but if we look at that \$10 million being dedicated—

The Chair (Ms. Soo Wong): Can you wrap up, please?

Ms. Debra Cooper Burger: —it will only result in about 30 seconds of additional care. I think that's where we're looking for some direction in terms of where that funding can be allocated and addressing some of those needs.

The Chair (Ms. Soo Wong): I'm going to turn to Ms. Armstrong.

Ms. Teresa J. Armstrong: First, I wanted to just thank you very much for coming. I'm the seniors' affairs critic for the NDP, so this is very important to me.

I was shocked to read the Auditor General's report about long-term-care homes. Specifically for London, it was identified that it had the highest rate of reported abuse in long-term-care homes and that we did not have any BSO teams on-site.

You talked about the BSO team or the specialized team. Are they different, the specialized team or the BSO teams, and how does that look? Should every home have one?

1000

Ms. Debra Cooper Burger: Right. When the BSO program was introduced, there was flexibility among the LHINS in terms of how they rolled those programs out. There are several models. They probably have not been as adequately evaluated as they should be, but again, our own evaluation is that the in-house teams—so you have a small team, it could be two or three people, in each long-term-care home that has a higher level of assessment and care-planning-development skills to address these growing needs.

The other model does provide for mobile teams that can be parachuted into a home. They can offer some support. But they come in in the day, they sit and observe, they'll maybe make some recommendations for care plans, but they're not there 24/7 to really identify what the triggers are or how the aggressive behaviours can be managed.

So the feedback from not only our sector but the for-profit sector as well is that we believe that each home now, given the fact of what our populations are looking like, needs an in-house team.

Ms. Teresa J. Armstrong: You didn't get a chance to finish your presentation, so if there's anything you'd like to add, feel free to comment.

Ms. Debra Cooper Burger: Just one other point: A number of our providers are housing providers. We provide seniors' housing, either in a social housing program or in a supportive housing environment. With the new fire requirements, in some of the older infrastructure we're facing huge costs in terms of trying to adapt to put the safety measures in place. Our members want to do that, but they're facing exorbitant costs to do that—putting in sprinkler systems and things like that. So we'd like to be able to access the health infrastructure funding.

Ms. Teresa J. Armstrong: Last comment, if I could: The Ontario Drug Benefit—how is that going to impact some of the supportive housing that you just referred to, the residents there?

Ms. Debra Cooper Burger: It will definitely have an impact, because they're usually the lower socio-economic individuals who are in our social housing programs. It will have an impact for sure.

Ms. Teresa J. Armstrong: Can you articulate what kind of choices they'll have to make and how that'll look?

Ms. Debra Cooper Burger: I think in some cases they may have to forgo what type of medication would be best suited for them, or substitute something different. I can't be more specific at this point.

Ms. Teresa J. Armstrong: No. Okay; thank you very much.

The Chair (Ms. Soo Wong): I'm going to turn to Mr. Baker.

Mr. Yvan Baker: Hi. Thanks very much for coming in, and thank you for the work that you and your members do for seniors every day. I represent a riding called Etobicoke Centre, and a high percentage of the population is seniors. It's an area I spend a lot of time on and so I'm particularly appreciative of the work that your members are doing.

One of the things that you alluded to in your presentation was the \$10 million in funding towards Behavioural Supports Ontario. I was wondering if you could just outline why that's important, how that impacts people who are being served by your members.

Ms. Debra Cooper Burger: We're still waiting to hear how that funding is going to be distributed across the province and how that \$10 million will be allocated. Definitely we feel it should be addressed to staffing level increases within our dementia units and in areas where we have a higher level of the population with dementia. What that means is, there's more opportunity to observe, there's more opportunity to intercede—if you've got the staffing levels to address it—in resident-to-resident aggression. There's assistance there if you need it when you're dealing with a physically aggressive resident; you may have another staff member there to help you.

We're seeing every day that our staff are being physically abused by aggressive behaviours. We've got younger individuals coming in with severe dementias and they're physically very strong and very aggressive. Those are the challenges. By increasing the staffing levels, it will help us to address some of those challenges—and putting more money into the designated behaviour units, where we can actually put the more severe cases into a more specialized unit.

Mr. Yvan Baker: Having visited many of the seniors and the staff who are working with seniors with dementia, I have a sense of what you're alluding to. We actually held a dementia consultation in our community as part of the broader provincial dementia strategy that the government is working on for that reason, because I was so touched by some of what you're describing.

One of the things you have in your submission is that you say, "It is critical that the full amount"—this is the \$10 million I'm referring to—"be allocated to in-home behaviour supports." Just talk about the importance of in-home behavioural supports.

Ms. Debra Cooper Burger: As I mentioned, some of the money that has been allocated through the behavioural supports program has gone to more of a mobile team approach. It could be a team that would serve maybe 10 or 12 different long-term-care environments. They would just come into your home. They would work with you around particularly challenging residents and their behaviours. Typically, what they do is, they come in and observe and then they make recommendations, some of which, in my estimation and in my experience, are unrealistic in terms of what we have to deal with—

The Chair (Ms. Soo Wong): I'm sorry. I need to stop you there.

I'm going to Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much for your presentation today, and thanks for the work you're doing. Every one of us in this room would aspire to become a senior—that's our goal—and it's organizations such as yours that are fighting to make sure we enjoy some dignity when we get to that point. So thank you for your efforts.

I think most people in Ontario would be surprised to know that we spend \$8.03 per day per resident for three meals and snacks. It was quite a surprise to most people to learn that.

I want to just ask you, in a nutshell—and then I'm going to ask about the drug benefit as well. In a nutshell, if you had to say, "We need these three things to make life better," what would they be?

Ms. Debra Cooper Burger: Again, if we could address the staffing level, that average of four hours of care per day, it would make a significant difference in the care and the attention that our residents would get. That would be my number one. Number two would be giving us the flexibility within our other accommodation envelopes to provide more environmental stimulation for our residents, again addressing some of the dementia needs through social and recreational-type programs. The third would be food allocation.

Mr. Victor Fedeli: I know that Ms. Armstrong had first touched on this. I held what turned out to be a rally in my office last week, where seniors showed up to talk about the impact of the almost doubling of the drug benefit for 92% of all of the seniors in Ontario. Give us your thoughts on that, if you would—because this is something that I think we really can have the ear of the government and a mind to repeal.

Ms. Debra Cooper Burger: Realistically, the cost of pharmacare is challenging for any government, either federally or provincially. I also know that a lot of the seniors we represent are low-income pensioners and women who have had no additional subsidy from their spouse who has passed away. This is going to be a significant burden on them, and I think some of it will

relate to choices that they will have to make in terms of not getting the medication they probably should be taking because they can't afford it.

Mr. Victor Fedeli: Choices—what do you mean by that?

Ms. Debra Cooper Burger: It would be prescribed by a physician if the medication was needed, but if they can't afford to buy it within their budget, they're maybe going to choose to buy food as opposed to the medication, and I think the ramifications of that are that there are probably going to be further health issues.

The Chair (Ms. Soo Wong): I need to stop here. Thank you very much, committee members. We're going to be recessing until 2 p.m.

The committee recessed from 1009 to 1400.

The Chair (Ms. Soo Wong): I'm going to resume the Standing Committee on Finance and Economic Affairs. I'm going to call the meeting to order to resume the consideration of Bill 173, An Act to implement Budget measures and to enact or amend various statutes.

OTTAWA-CARLETON DISTRICT SCHOOL BOARD

The Chair (Ms. Soo Wong): The first witness before us is the Ottawa-Carleton District School Board, the chair, Shirley Seward. Good afternoon, Ms. Seward.

Ms. Shirley Seward: Good afternoon.

The Chair (Ms. Soo Wong): Madam Chair, you have five minutes for your presentation, followed by three minutes of questions from each caucus. This round of questions will begin from the government side. You may begin any time. When you begin, can you please identify yourself for the purpose of the Hansard? Thank you.

Ms. Shirley Seward: It's a very great pleasure to be here today to talk about the bill and also, of course, the budget, Jobs for Today and Tomorrow. My name is Shirley Seward, and I'm the chair of the Ottawa-Carleton District School Board.

In January, I had the pleasure of participating in Associate Minister Mitzie Hunter's round table on the budget, which she held in Ottawa. Although we submitted our submission, I didn't have an opportunity to go to the hearings because they were in great demand, so I'm delighted to be here today.

Given that the budget is already out, this meeting with you has a different purpose. I know that we expect to receive from the Ministry of Education our board's overall Grants for Student Needs, the GSN, later this week. I'm not here today to argue for a higher grant, but for flexibility from the province in the way we work, in timing, and in the use of the money we receive.

I'll be dealing with three issues only. The first is the 1% cut in the GSNs, the Grants for Student Needs. Boards across Ontario had been encouraged to plan for a possible 1% decrease in their GSN grant for 2016-17. In spite of the announcements contained in the provincial budget, we anticipate that there could still be a reduction in funding amounting to about \$7.5 million to \$8 million

for the OCDSB. This is related to declining enrolment and changes to the funding model associated with the province's School Board Efficiencies and Modernization Strategy.

Our rate of decline of enrolment is very modest; it's only 0.4% of 1%. So we're one of the lucky boards. However, most of the decline in the 1% is associated with the School Board Efficiencies and Modernization Strategy initiatives that are removing, over three years, our \$8-million top-up grant for schools that are under-utilized, perhaps where the utilization rate is less than 65%.

The province is encouraging boards to consolidate and close schools in order to have higher efficiencies, and we don't disagree with that. However, in a large, complex, urban board like Ottawa, this is not an easy or a quick process. Trustees and staff have spent the last year developing and improving our secondary school policy framework and our accommodation review policy. We're trying to balance the province's need for short-term fiscal gain with the long-term needs of our learners in the period of 15 to 20 years out. It is complex.

Fifteen years ago it was suggested that we should close all of the schools, or many of the schools, in the centre of Ottawa. Today, because of demographic shifts, they're overflowing. We would never have gotten back that land. So what we're looking for is flexibility in timing from the province. We understand the process, but what we need is to take the time to do it right, and we have started.

The second point is infrastructure and the use of EDCs. I was very pleased to see in Jobs for Today and Tomorrow the emphasis on infrastructure, and I sincerely hope this will be extended to schools and facilities. Despite the fact that we have received capital investments from the province for the last decade, the backlog of renewal projects in our school board is in excess of \$600 million. It's essential that over the coming months and years, we receive adequate, sufficient operating funds to protect the province's investments in schools—

The Chair (Ms. Soo Wong): Can you please wrap up?

Ms. Shirley Seward: Yes, I can.

Specifically with respect to this, we are asking for more flexibility in funding with respect to education development charges. This would not cost the province anything. It would benefit the province financially, and it would benefit—

The Chair (Ms. Soo Wong): Okay, I'm going to stop right here. I'm going to turn to Ms. Hoggarth to begin this round of questioning.

Ms. Ann Hoggarth: Thank you very much for your presentation. As a former educator, I can appreciate what you're talking about. I used to be the president of the Simcoe County Elementary Teachers' Federation, so Paul Dewar and all the people from down that way were good friends.

I see where you're coming from. What you're saying is, you want flexibility because you're making long-term plans and you believe these budgets are more short-term.

Ms. Shirley Seward: Well, I think there is a need for both meeting the short-term fiscal needs of the province—and of us, frankly—but also to do it in such a way that we carefully plan the vision that we're moving forward with.

We have taken a full year to review several areas related to secondary schools. We have talked about what the best grade configurations are for students. We've talked about the need for greater emphasis on digital technology in learning. We've talked about whether we need more arts activities in our schools, or whether we need a larger IB program. We've had seven or eight broad areas of this type. We have come together, with staff help, as trustees and we have put together a vision of what we would like our schools to look like in 15 to 20 years.

Because we wanted to do that work up front, and because we do not want to rush out to close schools, which in the future could be facing the same kinds of enrolment changes that downtown Ottawa is facing, we want to proceed with care. We know we have to do it; we understand that. But we need the flexibility to go a little bit more slowly than a three-year time plan. We're in the second year of that plan.

Ms. Ann Hoggarth: Okay. The other question I wanted to ask—you said you had some declining enrolment?

Ms. Shirley Seward: Yes.

Ms. Ann Hoggarth: What percentage is it?

Ms. Shirley Seward: It's 0.4 of 1%. We have 71,000 students—and that's at the bottom of page 1 there. I didn't talk about that too much. It's about 315 children—that's our projection. It could be wrong. It could be wrong because we're bringing in Syrian refugees, much to our pleasure.

Ms. Ann Hoggarth: Also, in regard to the declining enrolment, your board was given a 3.4% increase in per pupil funding, and it has increased from just below \$4,000 per student to almost \$11,000—

The Chair (Ms. Soo Wong): I'm sorry, Ms. Hoggarth. I have to stop here.

Mr. Fedeli?

Mr. Victor Fedeli: Thank you for being here, Ms. Seward. I have two questions. The first: You talk about the flexibility and the timing being really what you're looking for, but you talk about the school board efficiencies and modernization initiative that removed, or removes—that's what I'll ask—over three years the \$8 million. Is that done?

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Ms. Shirley Seward: No, it isn't. It isn't done because we're just in the second year of it right now.

Mr. Victor Fedeli: So you're in year two of a three-year reduction of \$8 million.

Ms. Shirley Seward: Yes.

Mr. Victor Fedeli: When you ask for flexibility in timing, does that imply that you want to have a little longer time stretched out?

Ms. Shirley Seward: Yes, exactly.

Mr. Victor Fedeli: I just don't know how you stretch it without a top-up. If the \$8 million was a top-up and you're saying, "I don't want any more money; I just want more time," how do you stretch it out without the top-up then?

Ms. Shirley Seward: Well, what we're suggesting implicitly is stretching out the top-up.

Mr. Victor Fedeli: That is asking for more money then. I misunderstood.

Ms. Shirley Seward: It's saying that we are willing to do this very hard work, okay? But it's not obvious where you should be consolidating schools. It really isn't obvious. It may be obvious now; it's may look so different in 10 years that we would have made mistakes.

Mr. Victor Fedeli: No, I have no issue with what you're saying; I just didn't understand how you could stretch it without more money.

Ms. Shirley Seward: We're willing to have our budget reduced, but over a longer period. Is that asking for more money? I'm not sure.

Mr. Victor Fedeli: You also mentioned that you anticipate that there could still be a reduction in funding of \$7.5 million to \$8 million for the OCDSB. Is that the same money that we're talking about?

Ms. Shirley Seward: That has nothing to do with declining enrolment.

Mr. Victor Fedeli: So that's a separate pool of money—

Ms. Shirley Seward: No, no. The \$7.5 million to \$8 million is the amount associated with the province saying, "We want you to consolidate and close your schools. We're not going to give you top-ups eventually for schools that are under capacity."

Mr. Victor Fedeli: So why do you think there could still be a reduction in funding, then? Can you just comment further on that? I didn't quite line that one up.

Ms. Shirley Seward: Well, we rely very much on our staff to give us this information before we actually have the GSNs. So that's why the wording is careful. There could possibly be that—

The Chair (Ms. Soo Wong): Okay. I need to stop you here.

Mr. Victor Fedeli: I appreciate that. Thanks for the candid answers.

The Chair (Ms. Soo Wong): I'm going to turn to Mr. Singh.

Mr. Jagmeet Singh: Thank you so much for presenting today. It's great to have you.

Just a couple of questions: In terms of overall funding to the school board—you're experiencing overall cuts. Is that fair to say?

Ms. Shirley Seward: Yes.

Mr. Jagmeet Singh: When the government talks about an increased per-student funding, what's your response to that?

Ms. Shirley Seward: Well, I haven't seen the detailed budget but, more relevantly, I have seen what has been put out. I have not seen the GSNs. If there is going to be an increase per student, that would be magnificent, but I

have no evidence of that yet. I think it's related to the question that was asked before. I don't have that information at this point.

Mr. Jagmeet Singh: What is the real impact of that to students?

Ms. Shirley Seward: The real impact is job losses: 100 at a minimum, and that's in addition to the people who are laid off because of declining enrolment. That part we get, okay? If you have declining enrolment, of course, you're not going to get the money for that.

But it's what's over and above that concerns me: 100 staff, including about 45 teachers and about 50 or 55 support staff. That will mean less support within the classroom. That's what it amounts to.

Mr. Jagmeet Singh: Tell me what the impact to a student would be.

Ms. Shirley Seward: The impact, let's say, to a special education student: If we decide, as we will have to, that we have to cut not only the teachers and associated academic staff, but the support staff and education—you're talking about educational assistants who help special-needs children with other problems in the classroom; you're talking about English-as-a-second-language teachers, when, at the same time, we're bringing in more refugees.

So it's the supports, the social workers and the psychologists, as well as the teachers, and that is not good for kids. We don't think that's good for kids.

Mr. Jagmeet Singh: I absolutely agree.

What about the impact, broadly speaking, beyond—of course, it's very important to talk about special-needs students, but what about just students in general? How will that impact?

Ms. Shirley Seward: We have a very high population in Ottawa, as you do here in Toronto, of recent immigrants—

The Chair (Ms. Soo Wong): I'm going to need to stop you here. Sorry, Ms. Seward. Thank you for your presentation and your written submission.

CANADIAN SOCIETY FOR MEDICAL LABORATORY SCIENCE

The Chair (Ms. Soo Wong): The next group before us is the Canadian Society for Medical Laboratory Science. The Clerk is coming around with the written submission.

Good afternoon, Ms. Nielsen. Welcome. As you've probably heard, you have five minutes for your presentation, followed by three minutes of questioning from each caucus. This round of questions will begin with the official opposition.

You may begin any time. When you begin, please identify yourself for the purpose of the Hansard.

Ms. Christine Nielsen: Good afternoon. My name is Christine Nielsen and I am the CEO of the Canadian Society for Medical Laboratory Science, or CSMLS, for short. I am a certified medical laboratory technologist. We are the national certifying body and professional

association for medical laboratory technologists and assistants, in business since 1937 in Hamilton, Ontario. We represent the professional interests of over 14,500 members in Canada and around the globe—fully funded by membership dues and sale of services and programs, so a true not-for-profit.

Medical laboratory professionals play a vital role in Canada's health care system, generating over 440 million lab results each year. With technical expertise, they provide the analysis of accurate, life-saving laboratory results that guide the diagnosis and treatment of patients. Lab results are critical to guide follow-up testing, referrals to specialists and adjustment or start of treatment. Our members practise in hospital laboratories, private labs, public health, government, research, and education. They are proud and passionate about their contribution to the health care system and patient care.

We would like to express our support for the 2016 Ontario budget measures to assist post-secondary students, particularly the Ontario Student Grant. Improving access to education is essential to Ontario's future, and providing direct financial support to students in need is commendable.

One of the principal challenges we face is in ensuring that there are enough certified medical laboratory technologists, or MLTs, to meet the needs of Ontarians. As we age, demand for testing increases. Canada is now facing a serious shortage of MLTs. About half of all MLTs will be eligible to retire in the next 10 years. In Ontario, the labour market loss will be in the thousands. In Ontario right now, there are 7,000 practising medical technologists. A 50% loss is 3,500 in the next 10 years. The schools are not generating enough students to replace the loss. We currently certify less than 200 medical technologists in Ontario every year, so the net labour market loss will be significant. These shortages are already being felt in the rural and remote communities of Ontario. Reducing barriers to access to education through the Ontario Student Grant is part of the solution.

The government of Ontario can also be a leader in addressing the health human resource needs of the province. I'm going to make a specific reference to the issues facing MLTs, but we know they're not unique to our field.

First, all students require a clinical placement or an internship as part of their training. Programs cannot increase spots without corresponding clinical placements, making this the critical bottleneck in the system. These spots are very scarce due to staffing shortages, crushing workloads and the lack of dedicated personnel in the hospital to educate. Funding for dedicated clinical educators will increase capacity in hospital and community labs to take additional students. If schools can take more students, the domestic supply goes up.

As a long-term solution, it's important to evaluate if some clinical education could take place in a different environment through the use of simulation. The goal would be to reduce the length of time that a student is in on-site clinical education—required to achieve compet-

ence—to allow more students to go through in the same time frame. This is where Ontario can take a leadership role. Simulation research is required to compare the simulation curricula against traditional models. The study would finally answer the question: Can we shift the learning paradigm to increase capacity and improve output without jeopardizing patient safety or student outcomes?

Ontario remains a choice place for migration for newcomers to Canada. Ontario must do more to integrate internationally educated lab professionals into the workforce. Most internationally educated MLTs need upgrade training to bring them up to Canadian standards. The Canadian standard for health care is very high. Bridging programs assess existing skills and compare them to provincial or local employer expectations. These programs provide guidance and support for training, technical skills, language supports and the important Canadian work experience. Internationally educated MLTs who complete a bridging program are dramatically more successful on the national certification exam than their cohort or peers who have not gone through such a program. Sustainable funding is needed, not pilot programs. Bridging programs address the health human resource needs of the province; they help new Canadians integrate faster, leverage their experience, and practise in their chosen field.

Finally, there is a further opportunity to expand the accessibility of education while also addressing issues of rural access to health care services and diagnostic testing. Recruiting new medical lab technologist graduates to rural and remote communities is a significant challenge. Vacancy rates are higher in rural and remote communities than in urban settings, and—

The Chair (Ms. Soo Wong): Ms. Nielsen, can you wrap up, please? Thank you.

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Ms. Christine Nielsen: Yes. The effect of these vacant positions is significant. A possible solution for this would be to do Ontario student loan forgiveness. We think that would be a way to help recruit and retain medical lab technologists at the start of their career and alleviate the burden of financial pressure.

The Chair (Ms. Soo Wong): I'm going to turn to Mr. Fedeli to begin this round of questioning.

Mr. Victor Fedeli: Thank you very much, and welcome.

Ms. Christine Nielsen: Thank you.

Mr. Victor Fedeli: I appreciated your presentation today. Health care is one of the hottest topics. We certainly heard a lot about the cuts to health care in the pre-budget consultations.

When you talk about MLTs, the medical laboratory technologists, and the shortage, it brings to mind the other discussion that we had from many people about the mismatch, if you will, between who we're graduating and who we're hiring. There is such a huge need for this. It's obviously a good message to take back to our ridings as well: that if you're looking for a career, this and many

other—aircraft maintenance engineers is also—we're going to have a shortage of 4,000.

I think about my riding, and we've heard this from—I'm going to look for a comment from you—many of our MPPs across Ontario. In my community, for instance, our lab at the hospital is now closed. All we have left in the city are two private labs. They're both capped, of course, and they're at their caps. They're not all that excited about taking new inputs because they're already at their cap. How do you square that circle, in your opinion?

Ms. Christine Nielsen: We are also at the precipice of massive retirements. The reality is that on any hospital budget, there's a line item for human resources, and every lab has to manage that. The thing that will likely alleviate some of the pressure in the near future is one of the mixed blessings of retirement: Your best technical knowledge walks out the door, but it's also your highest-paid labour. That will be one of the things that will shift. The labour mix in the lab will shift. Medical lab assistants are moving in—rightfully so. There's certification and licensure, hopefully, one day in the province of Ontario, that would allow for a really good skill mix in any community. That will allow for laboratory assistants, who do a lot more of the pre-analytical, and the technologists, who do the analysis, so that we still have access to care.

Mr. Victor Fedeli: So you think the high-paid ones, as they retire—the high-paid ones are gone out and the lower-paid ones are coming in and growing up the ladder. But what if there's no ladder to grow up? I can think of a half-dozen of our caucus MPPs who, when we chat about this, say the same thing: "Yes, my lab closed at the hospital."

The Chair (Ms. Soo Wong): I'm sorry, Mr. Fedeli, this is three minutes.

Mr. Singh.

Mr. Jagmeet Singh: Thank you so much for being here today. With respect to the issue of meeting the needs of Ontarians by ensuring that there are enough MLTs, you mentioned that addressing the barriers to post-secondary education is going to be one of those. Have you looked at whether MLTs will qualify for the grant that has been laid out? Do you know if there's a—

Ms. Christine Nielsen: The Ontario grant with the loan relief?

Mr. Jagmeet Singh: Yes.

Ms. Christine Nielsen: Yes, absolutely. Medical technologists come from all walks of life. Some come from marginalized parts of society where there is lower economic status, but they have the brains to do the job: the high, strong math and high, strong science skills. Definitely access to education will improve the intake. Our challenge is that there are hundreds who want to go into the program in the province of Ontario and not enough spots.

The school down the street, the Michener Institute for Applied Health Sciences, now merged with University Health Network, has about 500 people apply for 60 spots. That school gets to be very selective in who they choose.

Another school, though, such as Cambrian College, may not be able to be so selective. There's a huge demand; people want to get into the program. There is never a shortage of students wanting in, so each school is fortunate enough to do some screening to bring in the best.

Mr. Jagmeet Singh: Okay. Are you aware if the grant will actually apply to students who are MLT prospects, who are interested in that? Will they be able to access the funding? Do you know if they'll qualify? Not on a financial basis, but is this particular field of study something that will be covered? Or are you aware—

Ms. Christine Nielsen: Is this for the loan relief after they're finished?

Mr. Jagmeet Singh: No, no. Just for the proposed grants for those who are of a lower socio-economic background.

Ms. Christine Nielsen: I would assume it is; the schools are accredited by the Canadian Medical Association. The medical technologists are not trained in private schools, so there should be no limits on access to funding.

Mr. Jagmeet Singh: Okay. What other strategies can you recommend to address this shortfall that potentially will happen in the future?

Ms. Christine Nielsen: Our biggest challenge would be to figure out how you could take twice as many students and put them through the same funnel without compromising a student outcome, performance on the national exam, as well as patient safety. That's really where we think the use of simulation is being used very well in some industries—I'll cite aviation because it's the obvious.

If there was a way you could take a student's 30-week rotation and squeeze it down to 15 weeks, you could get two students through the same hole. That's what we're hoping could be done through a study. There have been some good studies out of the US by nursing that have decreased the clinical placement time by 50%—

The Chair (Ms. Soo Wong): Okay. I'm going to need to stop you there, Ms. Nielsen.

I'm going to turn to the government side to ask this round of questioning. Mr. Milczyn?

Interjections.

The Chair (Ms. Soo Wong): Mr. Rinaldi.

Mr. Lou Rinaldi: Okay. Sorry about that.

Ms. Christine Nielsen: That's okay.

Mr. Lou Rinaldi: Ann, you were right: It was me. I did put my hand up for this one.

I know you've touched on it, but on the piece about that shortage—maybe you've said it—do you have any actual numbers?

Ms. Christine Nielsen: Absolutely. Currently, there are 6,910 practitioners in the province of Ontario. That's the largest number of any jurisdiction in Canada. British Columbia—no one knows how many there are there because they're unregulated. The speculation is that it's a little bit less, though.

The challenge is, they're starting to retire in large numbers, so the province of Ontario is going to start to

experience a widening gap, like the province of Nova Scotia. The problem is, we're only certifying about 150 to 200 a year in the province and there are probably 500 retiring annually, or eligible to retire. One of the best things that happened in our field was the change in the economy, which allowed people to stay in the workplace a little bit longer. That's why the retirement pinch hasn't been felt so strongly just yet, but it's coming. Our own members said that in two years, 24% of them will be retiring. I have 14,000 members; this number is huge.

Mr. Lou Rinaldi: I don't have any further questions, Chair.

The Chair (Ms. Soo Wong): Okay. Thank you very much, Ms. Nielsen, and thank you for your written submission.

MR. JIM KARYGIANNIS

The Chair (Ms. Soo Wong): The next presenter coming forward before us is Councillor Karygiannis, the councillor for Scarborough—Agincourt. Good afternoon, Councillor.

Mr. Jim Karygiannis: Good afternoon, Madam Chair. I want to thank you for allowing me to come. I want to thank you and the committee for allowing me the opportunity to present my views and the views of my constituents with respect to the 2016 Ontario budget, Jobs for Today and Tomorrow.

When presenting budget 2016, the Minister of Finance spoke, on several occasions, about our society's use of technology to help our governments deliver better services to citizens and our businesses to become more efficient and productive.

Over the millennium, from the very first invention, humans have been dealing with the effects of technological advancements. The past century has seen giant leaps in our knowledge—many in this room remember when a computer would have taken up most of the space in this room; now it fits in the palm of our hand. With each advancement in technology, we have adapted. We decided which side of the road we would drive on, we ensured that all drivers were licensed, and we required all vehicles to be insured. Each of these adaptations was made so the general public would be safe and secure.

The taxi industry is an excellent example of how we, the legislators, have developed rules and regulations to ensure the orderly transaction of business to be fair and just to the person providing the service and also to the person for whom the service is being provided. Over the years, the taxi industry has developed and has been regulated to ensure fairness and safety for passengers and drivers. In order to obtain and maintain a taxi licence, certain criteria must be met: the vehicle must meet emissions and safety requirements; the drivers must undergo a police security check; the drivers must pass the examination to ensure that he or she knows how to move around in the municipality in an efficient manner; the vehicle must carry commercial vehicle insurance in case of an accident; and standard fares were introduced.

Until recently, all of these measures worked to ensure the orderly conduct of the taxi industry. We cannot, nor do we want to, turn back the hands of time. We're not willing to be the modern equivalent of the English workers who, between 1811 and 1816, destroyed the machinery in the cotton and wool mills because they believed that the machinery was threatening their livelihoods.

The arrival of the Uber app has caused chaos in the taxi industry—and the way it has been administered to UberX. Municipalities and provinces are struggling to develop rules and regulations which will accommodate the new technology while working with the traditional taxi industry stakeholders in order to maintain viable businesses and keep passengers safe.

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Cab drivers are telling us that their business has dropped by 50%, that they're having problems putting food on the table, that they are not able to make the mortgage payments on their homes and that they are watching the financial resources they were saving for their children's education disappear.

We are facing the need to redraft the rules and regulations of the taxi industry as it adapts to the new technology, the Uber app, and the way that it's being used as UberX. However, as we redraft these rules and regulations, we must make sure that we examine the possible ramifications. We must examine things like the possibility of all vehicle insurance rates increasing as claims are being made against the 20-hour-limit ride-share. How will insurance companies enforce the 20-hour limit? What happens if the time limit is exceeded during a ride-share and an accident occurs?

Technology is neither good nor bad. It's up to us to ensure that new technologies are developed and regulated in a manner that creates the least amount of disruption to our citizens and are to the benefit of the majority of our citizens. Should we allow insurance to go forth, if floods like in Calgary were to happen the rates will increase as they did after the Calgary floods. I used to pay \$700 for my home; now I'm paying \$1,200 for the same house. Same insurance, but the rates went up.

So as we allow the UberX drivers to start going back and forth with 20 hours, if accidents were to happen—one accident happened a couple of days ago and it's in the package that I delivered to you—what would that mean to the industry and how will it affect the general public?

Thank you, Madam Chair.

The Chair (Ms. Soo Wong): All right, thank you very much. Mr. Singh, you may begin.

Mr. Jagmeet Singh: Thank you very much for presenting today. I think you summarized it very well when you indicated that technology on its own is not a positive or a negative thing. It's the way in which it's developed, it's the way in which it's regulated that impacts whether it's going to be a benefit to society or not.

Mr. Jim Karygiannis: Technology—all the companies, all the taxicab industry throughout the GTA and

throughout Canada are right now having apps. There's an app for Co-op and there's an app for Beck, but it's the way that Uber is using their app in order to circumvent the taxi industry and having an unlicensed, unregulated UberX transport people. That's where the problem is.

Mr. Jagmeet Singh: Absolutely. One of the things that I've said is that with the sharing economy or any technological advancement, it needs to be also a fair economy. It needs to be fair in terms of its safety. It needs to be fair in terms of the existing providers, like the taxi drivers.

What is the current government's responsibility in terms of making sure that this is addressed?

Mr. Jim Karygiannis: Your government, through FSCO, has said that they will allow Aviva to examine a 20-hour ride-per-week or ride-per-month, whatever it is. Aviva has come up with some regulations. We're trying to still meet with FSCO people. When the industry and myself ask them, "Can we meet with you?", we're told, "What's the meeting about?"

We'd like to know how the \$500 that they're capping it at will be able to provide should accidents happen. There was an accident that happened the other day. I don't think that charging someone an extra \$500 will certainly cover that.

Mr. Jagmeet Singh: Sure. Right now, as it stands, the Liberal government has left a vacuum and they've not addressed this issue. Is this something that you see that the provincial government needs to provide some leadership on?

Mr. Jim Karygiannis: I think the provincial government has given the authority of the problem to the municipalities, to come up with how they regulate the industry. The municipalities are saying, "Look, we're regulating it, but you've got somebody here who's not paying taxes." Canada Revenue Agency is auditing Uber—they aren't willing to meet and they're getting away with it like Al Capone. It took—

Mr. Jagmeet Singh: And so what should the government do? I mean, the government has a majority now. What should they do to address this issue?

Mr. Jim Karygiannis: I appreciate where you're coming from, and I appreciate the questions. I'm not here to bash the government or support one side. I think, as legislators—

Mr. Jagmeet Singh: No, I mean, what should they actually do in terms of policy—

Mr. Jim Karygiannis: I think that what you need to make sure of is that there's a level playing field and not allow Aviva to have a rider on the policy, and to say to the people who want to transport individuals that according to the Highway Traffic Act, section 39, in order to transport individuals you must have commercial insurance. If you don't, then you will be charged up to \$20,000. This is a fact that the minister and I have spoken about, and it's in black and white.

Mr. Jagmeet Singh: Despite the fact that municipalities have certain responsibilities, this is something that falls very squarely on the shoulders of FSCO, and the

provincial government up until now has not addressed this issue.

The Chair (Ms. Soo Wong): Mr. Singh, I'm going to need to stop you here.

I'm going to turn it to the government's side and Mr. Milczyn.

Mr. Peter Z. Milczyn: Good afternoon, Councillor Karygiannis.

Mr. Jim Karygiannis: Good afternoon, Mr. Milczyn.

Mr. Peter Z. Milczyn: Thank you for coming down today.

Our government, on the sharing economy, has started taking steps to working with some of these new technologies, these new companies, to put in place some of the controls that you're talking about. Airbnb is an example of a company that we're working with to ensure that there's tax compliance, ensure the contracts that are entered into and ensure consumer protection. We're also looking at issues around accessibility under AODA, ensuring that individuals with disabilities—that their rights are ensured when they're dealing with these companies.

When it comes to what you've raised, Uber and the—I guess we could call it the unlicensed cars for hire—

Mr. Jim Karygiannis: Specifically, UberX, not Uber. Not the app, but the worst segment of their company.

Mr. Peter Z. Milczyn: So those are the types of initiatives that you would be looking at? The same types of initiatives we're working on with Airbnb?

Mr. Jim Karygiannis: It's amazing that you brought up the fact that Airbnb is willing to be taxed. Uber is not willing to be taxed. I wrote to your government and I sent them copies of the letters that I sent to Revenue Canada. As a matter of fact, I sent letters to all of you, that UberX is not willing to participate. I spoke to the minister's staff and the minister says, "Well, this is not something I want to discuss about, or that we care to discuss about." Neither have I heard from anybody, any side, be it the Liberals, the Conservatives or the NDP, on this issue from this Legislature.

Certainly, Revenue Canada, after the new government came in in Ottawa—because they had answered me during the elections that they were going to look into it—I guess they were forced to make some statements and come forth.

UberX and Uber and Uber drivers are getting away without paying taxes. These are monies that can come and help schools and hospitals, in my community as well as in other communities. Last year, Uber declared that they made \$57 million in the city of Toronto; \$7 million of that was taxes. How much of that have you recovered as a government? How much has the federal government recovered as a government? Airbnb—it's individuals. Uber just doesn't care. Uber just thumbs its nose at you and says, "I really don't give a damn."

But again, forget the taxes; it's the 20 hours and the amount of money that Aviva will be charging as a rider. That's not going to be enough to cover, should accidents start occurring. An accident occurred the other night,

where people were taken to hospital. So that's what you have to look at. It's the insurance. Uber must—you are the legislator, you are the controller. You must bring down that they need to have commercial insurance, not a rider in somebody's policy.

The Chair (Ms. Soo Wong): Okay, Councillor, I'm going to stop you.

I'm going to turn to Mr. Fedeli.

Mr. Victor Fedeli: Thank you for being here, Councillor.

Mr. Jim Karygiannis: Thank you, sir.

Mr. Victor Fedeli: I think in your last sentence, you may have begun to answer the question that I was going to be asking you, and will ask, indeed. What, specifically, do you think should be done? You talked in your opening statement about not being the equivalent of the 1811-1816 destroyers of progress. Tell me what it is specifically you think should be done?

Mr. Jim Karygiannis: Thank you for the question. You can't turn back the hands of time. The app is here. The industry is adapting to the app, and a lot of taxicab owners are working for Uber cab, because Uber is also regulated as a taxicab company. It's the UberX factor where they are—it's an unlicensed, unregulated industry, where you get into a private car and you're driven around. According to the Highway Traffic Act, and this is your act, section 39 states that no individual should drive somebody for compensation unless they have commercial insurance and their vehicles have been examined so many times and they have police clearances.

I would say to you that in order to make sure that you uphold the Highway Traffic Act, and especially section 39, you must request, regardless of UberX and the city of Toronto, that if it's 10 hours, 20 hours, 30 hours or 40 hours, that individuals driving people around must have commercial insurance, must pay commercial insurance rates. That way, should accidents start to mount up, the private insurance people, the people that just have insurance to drive their cars home, to work, do not increase like happened in Calgary, after the floods in Calgary.

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Mr. Victor Fedeli: So what you're saying is, commercial insurance, vehicle examinations and police—

Mr. Jim Karygiannis: Police checks for vulnerable people is a must. Last year, Uber had three taxicab drivers who were charged for sexual assaults. The cabs in the city of Toronto have cameras, and that way it protects the driver as well as the passenger. That's something for us to decide when we look at the regulations. But here, in your place, you must—no ifs, ands or buts—rise to the Highway Traffic Act, unless you want to change that, and make sure that all transportation companies have commercial insurance. Never mind the rest; commercial insurance is a must.

Mr. Victor Fedeli: So it's exist but regulate; that's what you're suggesting.

Mr. Jim Karygiannis: It exists—commercial insurance exists for cabs—

Mr. Victor Fedeli: No, no. I'm suggesting that you're talking about the industry: allow it to exist but regulate. Is that what you're saying? Is that what I'm hearing?

Mr. Jim Karygiannis: Regulate it and then the existence will only tell the tale of time.

The Chair (Ms. Soo Wong): Okay.

Mr. Jim Karygiannis: If you are—

The Chair (Ms. Soo Wong): Finish your sentence.

Mr. Jim Karygiannis: If the existence is there, and if they are paying commercial insurance, and if they're able to still—

Interjection.

Mr. Jim Karygiannis: Yes, if they're able to have enough money, then they can exist. But right now, they're getting away because they don't have that and don't have to charge that, and they're undercutting.

The Chair (Ms. Soo Wong): Okay. Thank you, Councillor for your presentation and your written submission.

Mr. Jim Karygiannis: Thank you, madam.

CUPE ONTARIO

The Chair (Ms. Soo Wong): The next presenter is the Canadian Union of Public Employees Ontario: Mr. Wayne Hartviksen.

Ms. Wynne Hartviksen: It's Ms. Wynne Hartviksen.

The Chair (Ms. Soo Wong): Okay.

Ms. Wynne Hartviksen: My first name and the Premier's last name.

The Chair (Ms. Soo Wong): Oh, okay. All right. There's two of you.

Ms. Wynne Hartviksen: There's two of us, yes.

The Chair (Ms. Soo Wong): Anyway, please identify yourselves for the purposes of Hansard. You have five minutes for your presentation, followed by three minutes of questioning from each of the caucuses. You may begin any time.

Ms. Wynne Hartviksen: My name is Wynne Hartviksen, and I'm the executive assistant to the president of CUPE Ontario, Fred Hahn, who's unable to be here today. With me is my colleague Dan Crow, a CUPE researcher.

In our pre-budget submission, CUPE Ontario made proposals to make things better for the people of Ontario, including the restoration of corporate income tax rates to their pre-2010 levels, to address government revenue issues. We proposed that the government end all forms of privatization, stopping the reckless sale of Hydro One and ending the use of P3s that inevitably cost us more. We also included concrete ideas for strategic investments in public services that improve people's standards of living and make their lives better. We also talked about several measures to address income inequality and the gender wage gap.

It was, we believe, a sound economic plan that would end years of the failed austerity agenda, but sadly, the budget tabled by this government continues austerity. Program spending growth still lags behind increases in

costs, and in spite of the Auditor General's findings, the budget continues to commit to using the failed P3 model.

Perhaps most troubling is a number of items in the budget and Bill 173 that appear quite substantial but have only received vague and passing references in the budget itself.

First, the proposal to launch a basic income pilot only received a single paragraph in the budget. The concept of a basic income for all residents of Ontario has an immediate resonance as poverty remains a major problem that has not been addressed. But a basic income must be designed appropriately, otherwise it could be profoundly regressive. There's a reason why people like Richard Nixon and Milton Friedman were historically advocates of basic income.

CUPE Ontario believes a basic income must be premised on the goal of eliminating poverty and delivering the highest-quality public services. The motivation cannot be the restructuring of government in a way that ultimately reduces real benefits in both dollars and programming while also cutting jobs.

Secondly, the Benefits Administration Integration Act, 2016, included as schedule 3 of Bill 173, is alarming when one considers its broad reach and seemingly radical implications for all benefits programs. The only definition we have of the prescribed benefits programs it may administer is that they "provide financial or other assistance to individuals" as decided through regulations by the Lieutenant Governor in Council. It empowers the designated administrator to be made responsible under regulation for the administration of any benefit program run by a "government entity or public body." It defines a public body in schedule 3 to include municipalities, school boards, social services administration, and "any other person or entity specified by regulation." That's a potentially large group of benefits programs, because after all, aren't all public services providing some form of financial or other assistance to people? Isn't that kind of what they do, at some basic level?

Subsection 3(7) of schedule 3 raises real questions as to how many statutes or regulations this legislation may modify. How many duties currently assigned to a minister or other government entity could also be assigned to the all-powerful administrator imagined by this legislation—an administrator who, subsection 4(1) tells us, could further designate those powers and duties to another entity, including private sector entities. Currently delivered public sector benefits programs contracted out to the private sector aren't a far step under this legislation.

Schedule 3 raises a lot of disturbing questions. What exactly is the intent of this legislation? Which programs or services will it impact? How can Ontarians be assured that this legislation won't facilitate the further privatization of public services outside the duly elected legislature?

Given the many serious issues with schedule 3 and its overly broad nature, CUPE Ontario believes it should be removed from Bill 173.

Finally, we have some serious concerns and questions about the government's non-universal design of the ORPP and its potential negative impact on CPP expansion. In the budget document, the government said that "the province's extensive consultations in developing the ORPP have helped to inform Ontario's view that a CPP enhancement must be timely and provide a level of adequacy and targeted coverage that is consistent with the ORPP."

The targeted coverage that the Ontario government is looking for, consistent with the ORPP, should concern all who value the CPP as one of Canada's bedrock universal social programs. Is this government planning to advocate, in discussions at the federal level, for an expansion of the CPP based on its non-universal ORPP model? Is the Ontario government advocating for a two-tiered CPP? Ontarians deserve to know; Canadians who need a universal enhancement of the CPP to ensure retirement with dignity deserve to know.

Using Ontario's bargaining power in CPP negotiations to impose a non-universal ORPP design on the rest of the country is, quite simply, unacceptable. If the Ontario government insists on continuing with the ORPP, it must be redesigned to make it universal to ensure the income security of all Ontarians, but also to ensure that any future expansion of the CPP is not modeled on its failed, non-universal design. Thank you.

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you very much.

The first question is from the government side. Ms. Hoggarth.

Ms. Ann Hoggarth: Good afternoon. Thank you for your presentation. I don't know whether you know, but I'm a former union leader and believe in unions very much. However, I also believe in what our government is doing. We are trying to make sure that services are kept intact while we do what Ontarians have asked, and that is to eliminate the deficit. We're working very hard to do that.

It would be wonderful for us to be able to spend all the money. It would be great. We would definitely get elected again if we spent everything that everyone has asked us to. However, we think we're on the right track. We thank you for your presentation, but I don't believe this is an austerity budget; I think it's a reasonable and fair budget. Thank you for your presentation.

Ms. Wynne Hartviksen: I don't know if that was a question, but—

The Vice-Chair (Mr. Peter Z. Milczyn): It doesn't have to be a question; it could be a statement.

Ms. Wynne Hartviksen: Just from the experience of our members, I would like to say that this budget—and actually many previous budgets—have been austerity budgets. The government is making choices in each of its budgets. It's making choices to continue historically low corporate tax rates, which is actually spending money; it's just giving it to corporations. It's made decisions to spend extra money that didn't need to be paid to corporations through costly P3s. Those are decisions it's

making to spend money. Our members are saying that that money is coming out of the front-line services they provide.

We heard earlier from the Ottawa school board about 100 job positions, 55 of which are school board support workers who provide special-needs services to students directly, that are being cut above what is going to be cut due to declining enrolment. We see here the Toronto Catholic board: hundreds of staff being let go. In North Bay we've seen staff being let go at the hospital.

The choices this government has made they might not see as austerity, but when you're choosing to give continued corporate tax cuts and use costly P3s, and take that money out of front-line services, then I'm sorry, but you're making a choice, and it is, in the view of our members, a choice of austerity.

Ms. Ann Hoggarth: Just in regard to that, as you know and I know, when it says "cuts," it usually means pink slips. In most union agreements, pink slips have protection for people—

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you, Ms. Hoggarth.

Ms. Ann Hoggarth: —and hopefully they're taken care of by attrition.

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The Vice-Chair (Mr. Peter Z. Milczyn): Our next question is from the official opposition. Mr. Fedeli.

Mr. Victor Fedeli: I'll make a very quick comment, then ask you a question and give you my full three minutes.

In North Bay, as you alluded to, we have 350 cuts, period, not attrition. Those people are gone. There are 350 fewer people there today than there were only a couple of years ago—158 just last year alone—and 60 beds that are closed. So we understand what you're saying.

My only question for you, and you can take the remaining time to answer at your leisure: Is this a good budget for the public service?

Ms. Wynne Hartviksen: No, this is not a good budget for the public service. It has been one of many, unfortunately, that have not been good budgets for the public service.

Just to get to the point of attrition, I want to be really clear: Attrition is still a cut to public services. The fact that somebody might not be going out of a job because somebody else has retired and they can take that position, that's still one less position providing services, whether it's to students, whether it's to people who need health care or whether it's at a university level. We're seeing cuts, just as an example, at our universities, where custodial staff have been cut and cut and cut. Nobody is actually going out the door, but the positions, as everyone retires, are never filled, to the point that a number of our universities now aspire to a state of unkempt neglect as their cleaning standard—that's the name of it: unkempt neglect.

These cuts have been happening over and over. Really, what's been happening as a result of these cuts

and increases not keeping up with inflation—which, again, is a cut—is we're now getting to the tipping point, where you are seeing 350 people go out the door, not just through attrition. We are seeing hundreds of people laid off in school boards. This is what CUPE Ontario has been coming here for years and saying would inevitably happen if spending did not keep up with the rate of inflation. We are now at that tipping point, and the people of Ontario are experiencing cuts everywhere, as are our members.

Mr. Victor Fedeli: How much time is left?

The Vice-Chair (Mr. Peter Z. Milczyn): Less than a minute.

Mr. Victor Fedeli: Less than a minute?

Ms. Wynne Hartviksen: I rarely go short.

Laughter.

Mr. Victor Fedeli: I appreciate that. Thanks, Chair.

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Singh.

Mr. Jagmeet Singh: Thank you so much for being here today and for your presentation. I think it's important to highlight some of the comments that you made. One is, just to clarify, that if an increase or if a budget does not keep up with inflation, then it's a cut. Can you lay that out for clarity purposes?

Ms. Wynne Hartviksen: Certainly. An example would be in health care. Hospital levels of inflation actually sit well above the regular level of inflation due to cost drivers like medical equipment. So hospitals, on a conservative element, would expect a 6% inflation rate each year. Well, hospital-based funding budgets, until this year, have been frozen for a number of years. They've probably lost close to—and Natalie Mehra from the Ontario Health Coalition is following me, so I'm sure she'll tell you the exact number—but they've now lost about 30% in terms of the last six years or so in real dollars, because our heating goes up, more and more so as we sell things like hydro. The costs just keep going up, but the funding is frozen. So that is a cut.

You have to keep up with inflation. Everybody who does their budget understands that. If their wages stagnate, which workers' wages have been doing now for way too long, and the cost of food goes up, as it has been going up, people fall farther and farther behind.

Mr. Jagmeet Singh: Thank you very much for that.

You touched on the fact that this is an austerity budget and the impact—let's talk about the impact of an austerity budget. What is that to your members, but what is it, broadly speaking, to the province?

Ms. Wynne Hartviksen: What is it to our members? Our members are just like anybody else, many of whom—as we note actually in both our pre-budget submission and this submission—have come through years and years, and some are still in years and years, of wage freezes. So it means people are making tougher and tougher choices about what they spend money on. They're falling farther and farther behind. You're seeing income inequality grow, the gap between the rich and the

poor. Unfortunately, way too many of us now sit on the other side; we sit now on the poor side.

We're seeing services that people need—not being able to access special-needs services for their kids when they go to school, beds in hospitals in their communities so they don't have to travel for hours to actually get a hospital bed, long-term-care recipients who can't get decent hours of care, as we heard from another speaker earlier today, and are left where one or two PSWs might be looking after 60 people on a ward at night. Our members' work gets harder and harder, and everybody in Ontario who needs those services—and we represent 250,000 Ontarians, so they need services too—there's less and less for them to get to.

I do want to actually go back to schedule 3, which has received almost no scrutiny anywhere in this Legislature. In this bill, Bill 173, we see instead programs or initiatives like this by government, which seems to be some bizarre administrator being set up to run all benefits programs. I don't know: Is it ODSP; is it social assistance; is it OSAP; is it, you know, games? How many programs are going to get into this program that none of us will know about, and it will never go back to the Legislature.

I just think it is so complex and far-reaching, and yet there's so little scrutiny of it that it's hard to believe that anyone here at Queen's Park really even understands what it will mean for Ontario. We need to start looking when our governments are doing things like that, because that's not just about cuts and austerity; that's inherently anti-democratic.

Mr. Jagmeet Singh: Can you just talk briefly about the use of P3 models and how that's a choice. I like the way you framed it: that it's a choice to spend—

The Vice-Chair (Mr. Peter Z. Milczyn): Mr. Singh, that's the time for this afternoon.

Mr. Jagmeet Singh: Okay, that's my time. Thank you.

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you very much for your presence today.

ONTARIO HEALTH COALITION

The Vice-Chair (Mr. Peter Z. Milczyn): Our next witness is Natalie Mehra, Ontario Health Coalition. You have five minutes for your presentation, and just for the record, could you identify yourself, please?

Ms. Natalie Mehra: Sure. My name is Natalie Mehra. I'm the executive director of the Ontario Health Coalition. Thank you for hearing from us today.

Last night, I was in Kawartha Lakes, Ontario, where more than 200 people packed a local church for a public meeting on the hospital cuts. In that community, they're facing the closure of an operating room, a major cut to the surgical floor, cuts to staff and cuts to beds.

This, in fact, is the ninth year in a row, including this budget act, of real dollar cuts to Ontario's hospitals. These cuts are devastating, and they really can't continue. It's not possible for Ontario's hospital system to continue to cope with real dollar cuts year after year. The

fiscal plan of the province needs to address the real crisis that's happening in communities all across Ontario as a result.

Let me just clarify some of the spinning of numbers that has happened in the media. According to the 2016 budget, most hospitals will get a 0.33% global budget increase this year. That's \$60 million of a \$100-million funding increase. Two thirds is HBAM funding and procedure-based funding. That will be hospitals in high-growth areas and specific volumes for specific surgeries and so on. That does not cover basic operational cost increases for the hospitals.

To be very, very clear, most hospitals are receiving a global budget increase of 0.33%. Those are the real numbers. Inflation is projected to run at 1.8% this year and 2% next year. So over the life of this budget we are again seeing real dollar cuts to the global budgets of hospitals.

The consequences are:

- St. Joseph Island, an hour away from Sault Ste Marie, in the middle of a giant lake attached to the mainland by a causeway, is facing its emergency department being closed down—that would essentially eradicate that hospital;

- In Wallaceburg tonight we expect to hear the announcement that the Wallaceburg emergency department is to close down—that will eradicate that hospital;

- In Minden, the hospital CEO has twice now talked openly about closing the entire remaining hospital;

- In Trenton, half of the acute-care beds are being cut, along with virtually all the surgeries;

- In North Bay, 30 to 40 beds and 140 front-line staff cut;

- In Windsor, 45 full-time nurses, every department on every floor of the hospital having to look for cuts;

- In Welland and Niagara, five entire hospitals;

- In Midland, birthing, the OR for two days a week and the ICU to be downgraded and lose beds, even though it's more than full.

The second issue we have is the increase in the seniors' drug deductible. Seniors at an income over \$19,000 a year are facing an increase of their deductible for drugs from \$100 to \$170, and also an increase in co-payments. We're extremely concerned.

1500

There is a means-tested program to raise money to pay for things like seniors' drugs. It's called the tax system. But user fees at point of need dump costs onto people when they're elderly, when they're dying, when they're least able to pay. Universality as a principle for the health care system cannot be thrown out for short-term budget targets. In fact, universality is a principle that has been endorsed by all political parties in Canada as a core principle for health care. Every progressive group in the country is calling for a national universal drug program. Now is not the time for Ontario to be moving in the opposite direction.

Finally, I want to support the words of my colleague who came before, on the costs of P3s. We've seen a few

very flimsy papers put out justifying the \$8-billion-higher cost for P3 construction of hospitals. In fact, those papers contain completely false information. I don't believe there is anyone in the country who has followed P3 construction from a critical point of view more closely than our group has—

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you, Ms. Mehra. That's your time.

The first round of questions goes to the opposition. Mr. Fedeli.

Mr. Victor Fedeli: Thanks, Natalie, for being here today. I've got a couple of questions. The seniors' drugs, the almost doubling of the cost of drugs—we heard from a presenter this morning where she said that seniors will be forced to choose between eating or buying medication. Would you comment on that?

Ms. Natalie Mehra: Yes. I mean, \$19,000 is not a high income by any means, and as more and more services are cut from local hospitals, seniors are facing the offloading of a whole host of services that were covered under the Canada Health Act; when they move those services out, they're no longer covered. So more of home care faces copayments. All the outpatient services that they're closing, rehab, the ones that closed years ago, chiropody etc.—all of those are subject to copayments. Seniors are hit with all of those fees.

I don't know if anyone has actually really put together how much more money seniors are being forced to pay out of pocket for health care now, but it is a considerable expense, and for middle-income seniors, it's a devastating expense. They are already required to travel further and further for their care and bear the financial and physical costs of that as well. So in all kinds of ways, the costs are going up.

Mr. Victor Fedeli: When we talk about this one third of 1%, we've heard from many, many hospitals and groups representing hospitals who spoke at our pre-budget consultations and told us, "We need this increase in hospital funding or we're going to have another round of layoffs on April 1." I know that I've heard that locally, that without the full funding in my community, they're not going to wait till later in the year to make that decision; they're going to nip this one in the bud and go through another round of layoffs in April.

The fact that \$107 million in the Ontario Lottery Corp. funding that was given to hospitals has been clawed back out of this budget: How does that affect any possible increase that we would have read about?

The Vice-Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Fedeli. That's your time.

Ms. Natalie Mehra: Sorry. I was distracted by—what was the last thing you said?

Mr. Victor Fedeli: The \$107-million cut. It was Ontario Lottery Corp. funds that were cut.

Ms. Natalie Mehra: Okay.

The Vice-Chair (Mr. Peter Z. Milczyn): Sorry, we've moved on.

Now to Mr. Singh: You have three minutes.

Mr. Jagmeet Singh: Thank you so much again for presenting today. I really appreciate it.

I'm just going to ask you some questions. The budget and the Liberal government have claimed that there is a 1% increase in funding to hospitals, and this is specifically health care. Can you respond to that? I call that a cut given that it's less funding than the rate of inflation. What is your response to that?

Ms. Natalie Mehra: The 1% increase in the operational funding for hospitals is broken down like this: One third of it is global funding and then two thirds is HBAM. That's sort of the population-based allocation method and procedure-based funding. To actually cover the overhead costs of hospitals—it's a third of 1%, so it's not even 1%, for most hospitals. In high-growth areas, they'll see more. But in many areas—Windsor, for example, which is seeing a net cut of 45 full-time RNs: The HBAM money is not helping them at all. So that money is not even going to keep up with inflation, let alone population, let alone aging. It's not going to erase the last four years of 0% increases or the five years previous to that of less than inflation. So it's a real dollar cut—that is, an inflation-adjusted dollar cut—and, as the member of the Conservative Party said, it will mean another round of very major cuts across the province.

We're worried now because we're seeing whole rural hospitals at risk of closure, entire towns' hospitals. Welland, a community that came to the Legislature yesterday—100,000 people served by a hospital—the sole hospital that serves 100,000 people is at risk of closure. This is unheard of. It's dangerous, and it has to be stopped.

Mr. Jagmeet Singh: You mentioned that this is nine straight years of cuts to hospitals. Is that correct?

Ms. Natalie Mehra: Nine straight years, yes.

Mr. Jagmeet Singh: Can you tell me, if you're able to say, what is the net loss of nursing positions in the province?

Ms. Natalie Mehra: I don't have that number on me; I'm sorry. Whether it's attrition or outright layoffs doesn't matter. At this point, what I can tell you is that Ontario has the least hours of nursing per patient. According to CIHI, the Canadian Institute for Health Information—these are government figures—we have the least number of hours of nursing per patient of any province in the country by far, by a significant amount. That gap has been growing bigger every year.

The Vice-Chair (Mr. Peter Z. Milczyn): Okay, that's time.

We'll move on to Ms. Wong.

Ms. Soo Wong: Thank you very much, Mr. Chair.

I just want, for the record—Natalie, can you share with the committee? Most of the members of your coalition represent the hospital sector, am I correct? I would say 90%.

Ms. Natalie Mehra: No. We have at least half a million members of our coalition. They represent people who are not in health care at all, concerned community members. We have all the major seniors' organizations, church groups, anti-poverty groups, women's groups, health care workers—

Ms. Soo Wong: So I just want to—because my time is very limited; it's only three minutes. I want to ask your opinion. You know that the Minister of Health is working with the federal minister, looking at a national pharmacare strategy. What's your opinion about that?

Ms. Natalie Mehra: I think it's very crucial. I think it would be a huge, progressive reform for Canada.

Ms. Soo Wong: Okay. So my next question with regard to pharmacare: As you heard, the Premier and the minister said that the proposed increase for the deductible for seniors is still in discussion. It has been almost 20 years since this particular deductible has been considered for an increase, and, when you look across Canada, this number, compared to other provinces, is very small. So we certainly have heard the concerns, Natalie. What are your suggestions to the government? Because when you look at other provinces, like Quebec, Manitoba and elsewhere, you're looking at \$200 to \$700 for the annual deductible.

Ms. Natalie Mehra: Our suggestion would be: Uphold the principle of universality. In fact, I believe that the health minister and, as I say, all the progressive organizations in the country are advocating for a universal, national pharmacare program. So, "Don't go in the opposite direction" would be our advice. It would be that you have the ability to use the tax system. That is a means-tested system, it can be income-based, and if you need to raise money—

Ms. Soo Wong: Excuse me. Because time is limited—

Ms. Natalie Mehra: So the question from the public to the government is: Why exclude any discussion about revenues completely from the budget?

Ms. Soo Wong: The piece here is that you also heard that if there was an increase, it would help over 170,000 seniors of the lowest income, who have no deductible, meaning they don't have to pay: What's your opinion about that?

Ms. Natalie Mehra: The problem is that what you're asking for is all seniors with income over \$19,000 to be paying when they're sick, when they're elderly, when they're dying, when they're least able to pay. That's what that means. It means using up their life savings; it means using up the money they would leave for their kids.

Ms. Soo Wong: It's only a one-time deductible, for the record purposes, okay?

Ms. Natalie Mehra: Sure, but most of them have eight different prescriptions—

Ms. Soo Wong: The other thing is that I also want—

The Vice-Chair (Mr. Peter Z. Milczyn): That's actually our time, Ms. Wong.

Thank you very much for your presentation this afternoon.

Ms. Natalie Mehra: Thank you.

The Vice-Chair (Mr. Peter Z. Milczyn): There are no further presenters registered.

I'm going to remind members that, pursuant to the order of the House dated March 9, 2016, the deadline to file written submissions with the Clerk of the committee is 6 p.m. on Thursday, March 24, and the deadline to file

amendments to the bill with the Clerk, in person, is 12 p.m. on Tuesday, March 29.

Would members like a summary of the presentations received?

Interjection: Yes.

The Vice-Chair (Mr. Peter Z. Milczyn): Yes? I'm advised by the Clerk that the summary of oral presentations will be written by next Friday.

Mr. Victor Fedeli: Can you just repeat that? For amendments, is it this coming Tuesday at 12 p.m.

The Vice-Chair (Mr. Peter Z. Milczyn): For amendments? Tuesday, March 29, at 12 p.m.

No other business?

The committee stands adjourned until Wednesday, April 6, at 9 a.m.

The committee adjourned at 1511.

STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

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Vice-Chair / Vice-Président

Mr. Peter Z. Milczyn (Etobicoke–Lakeshore L)

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Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

Also taking part / Autres participants et participantes

Mr. Robert Bailey (Sarnia–Lambton PC)

Clerk / Greffier

Mr. Eric Rennie

Staff / Personnel

Ms. Susan Viets, research officer,
Research Services

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Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Wednesday 6 April 2016

Journal des débats (Hansard)

Mercredi 6 avril 2016

Standing Committee on Finance and Economic Affairs

Jobs for Today
and Tomorrow Act (Budget
Measures), 2016

Comité permanent des finances et des affaires économiques

Loi de 2016 favorisant la création
d'emplois pour aujourd'hui
et demain (mesures budgétaires)



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRSCOMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES

Wednesday 6 April 2016

Mercredi 6 avril 2016

The committee met at 0902 in room 151.

ELECTION OF CHAIR

The Clerk of the Committee (Mr. Eric Rennie):

Good morning, honourable members. It is my duty to call upon you to elect a Chair. Pursuant to standing order 117(b), the Chair of the Standing Committee on Finance and Economic Affairs shall be a member of the party forming the government. Are there any nominations? Ms. Albanese.

Mrs. Laura Albanese: Thank you. I move that MPP Peter Milczyn be appointed Chair of the committee.

The Clerk of the Committee (Mr. Eric Rennie): Ms. Albanese has nominated Mr. Milczyn. Mr. Milczyn, do you accept the nomination?

Mr. Peter Z. Milczyn: I do.

The Clerk of the Committee (Mr. Eric Rennie): Are there any further nominations? Mr. Dong.

Mr. Han Dong: I nominate MPP Baker to be the Vice-Chair.

The Clerk of the Committee (Mr. Eric Rennie): We're only going to be dealing with the nomination of the Chair at this point.

Are there any further nominations for Chair? There being no further nominations, I declare the nominations closed and Mr. Milczyn elected Chair of the committee. Mr. Milczyn, may I ask you to take the chair to preside over the election of the Vice-Chair?

ELECTION OF VICE-CHAIR

The Chair (Mr. Peter Z. Milczyn): Good morning, everyone. Thank you for the confidence you've placed in me. I'll do my very best.

Now it's my duty to entertain a motion for Vice-Chair. Are there any motions?

Mr. Victor Fedeli: Let me guess.

Laughter.

The Chair (Mr. Peter Z. Milczyn): Mr. Dong.

Mr. Han Dong: Five bucks you're right.

I move that MPP Baker be the Vice-Chair.

The Chair (Mr. Peter Z. Milczyn): Thank you. Are there any other nominations? No?

Mr. Baker, are you accepting the nomination?

Mr. Yvan Baker: I accept.

The Chair (Mr. Peter Z. Milczyn): All those in favour of the motion? Carried. Congratulations, Mr. Baker.

JOBS FOR TODAY
AND TOMORROW ACT (BUDGET
MEASURES), 2016LOI DE 2016 FAVORISANT LA CRÉATION
D'EMPLOIS POUR AUJOURD'HUI
ET DEMAIN (MESURES BUDGÉTAIRES)

Consideration of the following bill:

Bill 173, An Act to implement Budget measures and to enact or amend various statutes / Projet de loi 173, Loi visant à mettre en oeuvre les mesures budgétaires et à édicter ou à modifier diverses lois.

The Chair (Mr. Peter Z. Milczyn): Thank you for your patience. Good morning, committee members. We're here this morning for the clause-by-clause consideration of Bill 173, An Act to implement Budget measures and to enact or amend various statutes. Julia Hood from legislative counsel is here to assist us with our work.

A copy of the numbered amendments received by last Tuesday's deadline is on your desk. The amendments have been numbered in the order in which the sections appear in the bill. Are there any questions before we begin? No?

Before we begin section 1, I will allow each party to make some brief comments on the bill as a whole, and afterwards debate should be limited to the section or amendment under consideration. I'll begin with the official opposition: Mr. Fedeli.

Mr. Victor Fedeli: I don't know if we have enough time for what I'd have to say about the bill.

The Chair (Mr. Peter Z. Milczyn): Brief comments.

Mr. Victor Fedeli: I think this bill is going to make life harder for the people of Ontario. We have toured our ridings over the last couple of weeks. We have heard loud and clear from seniors, from the business community and from families who are continuing to see trouble in Ontario. It may not be any one particular item, although they bring all those items. It's the cumulative effect of what this budget does to families.

It's not a budget that we'll ever be able to support. I think we've been fairly descriptive in the Legislature, each and every one of the PC MPPs, in bringing back to this Legislature in debate the comments that we've heard from our ridings, from the very people who elected us to be here and to bring those comments back.

I would only close with the ultimate comment that we were obviously disappointed to learn that the budget had

indeed been completed and in fact was sent for translation before this very committee's pre-budget consultations were even completed. I think I would like to formally place that objection. Thank you for the opportunity to speak.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Fedeli. Ms. Fife.

Ms. Catherine Fife: I thank you, Chair, and congratulations.

The budget measures act, Jobs for Today and Tomorrow, Bill 173: I would genuinely like to, at some point in my time here at Queen's Park, be able to come and support a major piece of legislation like this. However, on this piece—the way that it was crafted—I share the concerns of the PC opposition member who detailed the flawed process of not actually having some of the concerns reflected in the actual bill because of the process. I hope that we learned from that.

I also would like to say, on the record, that the recommendations that we worked through as a committee to have an economic analysis to be part of next year's budget process, where each party gets to bring in someone who gives an analysis of where the province is from a financial perspective—I think that that's one of the good things that came out of this year's journey.

When I look through this bill schedule by schedule, there are things like supporting the University of Waterloo Act; of course we can do that. The Wilfrid Laurier University Act: Of course we can do that. The Tobacco Tax Act: Of course we can do that. But there are major gaps from an economic perspective that this legislation is not addressing around job creation, despite the title of the bill.

0910

I'm going to be raising the accessibility issue, and we're going to start off by talking about accessibility today. I think that this piece of legislation is an opportunity for the government to at least recognize that there's a significant missed opportunity around accessibility in the province of Ontario.

I'm hopeful that next year's process is more inclusive, more comprehensive and more reflective of the needs of the people of this province. As the opposition member, I'm going to try to make some of these schedules more adaptive to and responsive to the people of this province.

Thanks very much for the opportunity.

The Chair (Mr. Peter Z. Milczyn): Thank you, Ms. Fife. Mr. Baker.

Mr. Yvan Baker: I just have some brief comments, which are that I'm very proud of this budget. I think the budget strives to address a lot of the issues that at least I hear from my constituents about, every day—major investments in health care, community care, hospital care, palliative care, and continued investments in education and many other services. We're also on track to balance the budget by 2017-18. I think there are also some major initiatives to strengthen our economy.

I'm proud of this budget and look forward to supporting it.

The Chair (Mr. Peter Z. Milczyn): As members will be aware, Bill 173 is comprised of only three sections, which enact 34 schedules. In order to deal with the bill in an orderly fashion, I'm going to suggest that we postpone the three sections in order to dispose of the 34 schedules first.

Is there unanimous consent to stand down the sections and deal with the schedules first?

Mr. Victor Fedeli: I'm sorry. I wasn't paying attention.

The Chair (Mr. Peter Z. Milczyn): I'll repeat that. Bill 173 is comprised of only three sections, which enact 34 schedules. In order to deal with the bill in an orderly fashion, I'm going to suggest that we postpone the three sections in order to dispose of the 34 schedules first.

I'm asking whether there's unanimous consent to do that.

Interjections: Yes.

The Chair (Mr. Peter Z. Milczyn): Yes? Unanimous consent? Thank you very much.

We will now proceed to schedule 1, section 1. Ms. Fife.

Ms. Catherine Fife: I'll be moving an amendment. Right?

The Chair (Mr. Peter Z. Milczyn): Yes.

Ms. Catherine Fife: Okay. Can I start?

Interjection.

The Chair (Mr. Peter Z. Milczyn): Okay, we're on section 1. You're moving an amendment to section 7.1, so we're not quite there yet.

Ms. Catherine Fife: Schedule 1.

The Chair (Mr. Peter Z. Milczyn): Section 1. Is there any discussion on schedule 1, section 1? No?

Shall schedule 1, section 1, carry? Carried.

Schedule 1, section 2: Is there any discussion? Shall schedule 1, section 2, carry? Carried.

Schedule 1, section 3: Is there any discussion? Shall schedule 1, section 3, carry? Carried.

Schedule 1, section 4: Is there any discussion? No? Shall schedule 1, section 4, carry? Carried.

Schedule 1, section 5: Is there any discussion? Shall schedule 1, section 5, carry? Carried.

Schedule 1, section 6: Is there any discussion? No? Shall schedule 1, section 6, carry? Carried.

Schedule 1, section 7: Is there any discussion?

Interjections.

The Chair (Mr. Peter Z. Milczyn): No, you're adding a new section, so that's next, Ms. Fife.

Is there any discussion on schedule 1, section 7? No? Shall schedule 1, section 7, carry? Carried.

Ms. Fife.

Ms. Catherine Fife: Thank you. The amendment is before you. I assume that you all have it. I'm making an amendment to schedule 1 to the bill. I move that schedule 1 to the bill be amended by adding the following section:

"7.1 The act is amended by adding the following section:

""Accessibility of public documents

“35.1(1) All documents available on a website for the information and use of the public under this act, including information directives and forms, must be available in a format that can be made accessible by any person and, as a minimum requirement, in a format that can be read by a screen text reader or can be modified by any person so that it can be read by a screen text reader.

“PDF documents

“(2) For greater certainty, a document in portable document format does not satisfy subsection (1).”

My reason for bringing this amendment to this discussion is that there was a promise back in 2007. The Liberals promised the government would review all Ontario laws for accessibility barriers. That includes 750 statutes and a number of regulations. Nine years later, the government has only reviewed 51 of the 750 Ontario statutes.

We did hear from ARCH. You'll see in your summary of Bill 173, of the delegations, that the ARCH disability centre asks that we address issues of accessibility and accommodation for persons with disabilities and that we involve the community of persons with disabilities when reviewing legislation for such issues as barriers to participation.

Being able to access information about legislation is a well-known barrier for the people with disabilities in the province of Ontario. This amendment would ensure that all documents on websites are in an accessible format for all Ontarians. At the minimum, it must be in a format that can be read by a screen text reader or changed so that it can be read by a screen text reader.

I was going to ask for unanimous consent for this motion so that we can ensure that people in Ontario know we actually want people to have access.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: The Accessibility for Ontarians with Disabilities Act, 2005, is designed to help make life easier for Ontario's disabled. I would think that that very act should actually practise what it preaches and be able to provide services in multiple fashions. Therefore, we would be supporting that amendment.

The Chair (Mr. Peter Z. Milczyn): Thank you.

Mr. Yvan Baker: Just for clarification, are we debating the motion at this moment?

The Chair (Mr. Peter Z. Milczyn): Yes.

Mr. Yvan Baker: Okay. As far as the motion goes, I think it creates an unneeded section in the AODA, because the AODA already grants regulation-making authority for the government to set accessibility standards regarding web content.

Through the AODA, the government has shown leadership in developing these standards as regulations and already includes detailed rules and timelines for the accessibility of web content. These standards are actually reviewed every five years by a standards development committee, as required by the AODA. So—

Interjection.

Mr. Yvan Baker: Yes, exactly. That review is coming up in the coming year. In my view, updates and revisions are best made through this process.

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett.

Mr. Toby Barrett: In supporting this, it's kind of a technical question—maybe Hansard could answer this. With a screen text reader—and I know there have been dramatic changes in technology for the blind. I know that Lions Clubs International have purchased computer-type systems. I'm just not clear. Just a technical question: How does that work, to take documents and make them audible? Does it have to be read and reread?

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett, you can't ask questions of Hansard staff. We can get you an answer through research staff.

Mr. Toby Barrett: Sure. My point is that there have just been such dramatic changes. I get over to W. Ross on occasion, and I—does anybody know how they do this, what's involved? An audible reader? I mean, we've gone beyond mechanical Braille for many people, maybe older people who are blind. I know this amendment comes up quite frequently. I think it's important.

The Chair (Mr. Peter Z. Milczyn): We can ask our research staff to provide the committee with the answer.

Mr. Toby Barrett: Certainly.

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese.
0920

Mrs. Laura Albanese: Chair, I don't know if this is the right moment to say this. However, I know that the NDP has put forward several motions that will legislate accessibility standards for web materials in various statutes of the act, right? Basically, these would create new sections or open up existing ones that are not part of the budget bill. It would seem to me that since we have voted for this bill in second reading, according to the procedural rules these new sections or subsections may be out of order.

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese, as we go through the various motions that have been submitted in the appropriate time, I will rule individually on which may be out of order. We'll deal with it on an individual basis.

Mrs. Laura Albanese: I apologize. Since it's the first one, I thought I'd bring it up because they're very similar. There are a number of them.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: Of course there have been discussions with the Clerks on this issue. This motion is not out of order because accessibility provisions are contained within the scope of the bill; therefore, they are in order because those schedules already deal with accessibility issues. Just to Vic's point, this is the Accessibility for Ontarians with Disabilities Act. It is in order for us, as legislators, to try to make this act more accessible.

Also, it's really unfortunate that we're starting off on this because this issue should be a non-partisan issue, for the love of humanity. For Mr. Baker, though, to comment that it's good enough—the people of this province want greater access to this Legislature so that they can fight for their rights.

Mrs. Laura Albanese: That's not what he said.

Ms. Ann Hoggarth: He didn't say that.

The Chair (Mr. Peter Z. Milczyn): One conversation at a time.

Ms. Catherine Fife: I will be very disappointed if this committee decides not to make the AODA more accessible. This is within the scope of the work that we are elected to do in this place. At the very least we should make sure that people who have disabilities in the province of Ontario can access the legislation which is portrayed as protecting their rights.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: First of all, I did not say “good enough.” I wanted to clarify that. We’re very supportive of the policy intent to remove barriers in legislation, but what I’m saying is, the best mechanism to ensure accessibility is not through the mechanism that you have proposed. What I’m saying is, there’s already a mechanism through the AODA that allows us to review these things on a five-year cycle. That is coming up this year, and it’s through that mechanism that we can ensure that we achieve our common objectives on this.

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese.

Mrs. Laura Albanese: Yes. I also wanted to clarify—I’m very, very supportive of the intent. The only objection here is that we’d be opening certain sections and not others, and it should be thorough. That’s my only comment. As MPP Baker said, it may not be the best mechanism that we have at our disposal to achieve that intent.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Are we ready to vote? The advice I’ve received from the Clerk is that this amendment is in order.

Mr. Victor Fedeli: Is in order?

The Chair (Mr. Peter Z. Milczyn): This amendment is in order.

On motion number 1: All those in favour? Opposed? That does not carry.

Ms. Catherine Fife: Chair, point of order.

The Chair (Mr. Peter Z. Milczyn): Yes, Ms. Fife.

Ms. Catherine Fife: Will I have to ask for unanimous consent each time I try to make this piece of legislation more accessible? Is that the agreement that people have come to?

The Chair (Mr. Peter Z. Milczyn): Ms. Fife, for any amendment that was submitted, you have a right to read it in and begin the discussion on it. If I rule that a motion is out of order, then you may seek unanimous consent.

Ms. Catherine Fife: Okay.

The Chair (Mr. Peter Z. Milczyn): Members of the committee, I didn’t do this at the outset, but I’m going to request your agreement moving forward. Where there are several sections where there are no amendments, unless there is an urgent need for discussion, I’ll move that we vote on several sections together.

On schedule 1, section 8, and schedule 1, section 9, if there is no discussion: Shall they be carried? Carried.

Shall schedule 1 carry? Carried.

Schedule 2: There are no amendments or motions on sections 1 and 2, so unless somebody wants to discuss them, shall schedule 2, sections 1 and 2, carry? Carried.

Mr. Fedeli? This is on schedule 2, section 3?

Mr. Victor Fedeli: Yes. I move that subsection 3(2) of schedule 2 to the bill be struck out.

The Chair (Mr. Peter Z. Milczyn): Any discussion?

Mr. Victor Fedeli: Yes—a brief discussion. I know we’ve talked at length about this. This amendment, of course, would eliminate the tax increase on wine in the budget.

Basically, in order to have some licensees in some grocery stores only selling some products, Ontarians right across the board have to pay more. I feel that the people of Ontario shouldn’t be forced to pay because the government can’t seem to get anything right, including wine sales. At the end of the day, consumers still have no guarantee that they can get what they want when they want it and how they want it, and now they’re going to have to pay more to get things that they may not be able to get. I find that it’s absolutely a cash grab under the guise of small-l liberalizing the market. It’s nothing more than a cash grab.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Ms. Albanese?

Mrs. Laura Albanese: We’ll be voting against this motion because striking out subsection 3(2) would mean that taxes applied in winery retail stores would not be brought closer in line to markups applied to the LCBO and we would forgo tax revenue necessary to support public programs. The revenue that is generated from the wine tax supports government priorities, including health care, education and skills training, which benefit all Ontarians.

Furthermore, we want to maintain our commitment to social responsibility, so it’s important to harmonize these markups. I want to remind the member opposite that Ontarians continue to enjoy and will continue to enjoy the lowest prices in Canada for wine, and among the lowest for beer. All the revenues generated from the wine and beer changes help us to fund key government programs that people rely on, such as health care and education.

0930

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett?

Mr. Toby Barrett: You gave several reasons for jacking up the taxes and using them in general revenue to support other programs. You talk about social responsibility. I think of so many of the new wineries that are starting up. This is not helpful for these businesses. I’m just not aware—I don’t need to ask the questions, but are we aware of an increase in drinking and driving from people going to these wineries, or an increase in domestic abuse? What social programs are you referring to, as a result of the consumption of wine?

Mrs. Laura Albanese: I said it was important to harmonize the markups so that we maintain our commitment to social responsibility. I’m not aware of any increases, and I’m not suggesting any. This is a modest increase, again, to level the playing field. It doesn’t increase the price of wine exponentially; it just levels the playing field across the alcohol sectors.

Mr. Toby Barrett: I think the tax on alcohol is probably something like 80%, and this is being added to that. Maybe it's a modest increase in your view—

Mrs. Laura Albanese: We're talking about wine and beer.

Mr. Toby Barrett: Yes, very highly taxed items already. In addition to the taxes, the industry is mandated to increase the minimum price of their bottle to \$7.95. These tax increases—there's a series of them, and I think we should all be clear on this: a 2% increase annually, right through to 2018, and then there's another 1% hike in 2019.

Tax policy is significant, especially in this industry. Much of it is a developing industry; it certainly is in my riding and many areas outside of the traditional Niagara wine-producing area. We're looking at 1% that kicks in, in June this year, 1% in April 2017, 1% in April 2018 and again in April 2019. Was it 1% or 2%? I'm just not sure. I'm just concerned. Sure, it's incremental, but we're talking about a very highly taxed item.

We also know that there are going to be retail price increases with respect to cider. This covers all wine—fortified wine, low-alcohol wine. Again, there are a number of reasons that I'll vote against this.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mrs. Albanese.

Mrs. Laura Albanese: I would just like to say that we're very supportive of this industry. The reality is that these changes open up new market opportunities for imports as well as for Ontario products. I want to reiterate that we have among the lowest prices for alcohol and beer in the country.

Mr. Toby Barrett: I should mention, too, that just reading through this list—

The Chair (Mr. Peter Z. Milczyn): Just a moment, Mr. Barrett. Is Mrs. Albanese finished?

Mrs. Laura Albanese: Yes.

The Chair (Mr. Peter Z. Milczyn): Okay. Please proceed.

Mr. Toby Barrett: Sure. I need to correct my record: It was a 2% increase each year, right up until 2018; in 2019, it's a 1% increase. I just wanted to make sure I was clear on that.

The Chair (Mr. Peter Z. Milczyn): Any further discussion?

On the motion: All those in favour? Opposed? That does not carry.

Shall schedule 2, section 3, carry? Carried.

There are no amendments to schedule 2, sections 4 through 7. Can we vote on them as a package?

Shall schedule 2, sections 4 through 7, carry? Carried.

Shall schedule 2 carry?

Mr. Victor Fedeli: We're opposed.

The Chair (Mr. Peter Z. Milczyn): Okay. Opposed? Carried?

Interjections.

The Chair (Mr. Peter Z. Milczyn): Shall schedule 2 carry? All those in favour?

Mr. Yvan Baker: Schedule 2?

The Chair (Mr. Peter Z. Milczyn): Schedule 2. Opposed? It does carry.

There are no amendments tabled for any section of schedule 3. There was a notice tabled by the NDP to vote against schedule 3.

Ms. Catherine Fife: Thank you, Chair. We will be voting down this schedule because the government has provided no details about the specific intent or implications of this legislation. For example, the agencies and benefits programs that would be covered and administered by the centralized body will be left up to regulation, removing our oversight as a provincial Legislature.

I think there is a genuine concern out there that this would be setting up services for contracting out. There was definitely a lack of consultation throughout the process. This is a significant change contained within a regulation, which has become an emerging trend of this government: to move power away to just the regulations, removing it from debate or oversight from members. The implications may be far-reaching.

Just to get this on the record, this legislation allows for the restructuring of potentially all provincially funded benefit programs province-wide and a wide range of public sector workplaces. It's genuinely surprising, and it will catch many people off guard that these changes are being sort of contained and cloaked within this piece of legislation.

New Democrats will be voting it down, as many stakeholders and Ontarians have expressed their concerns to us.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Baker.

Mr. Yvan Baker: In the 2012 budget, the government committed to benefits transformation. The purpose of that transformation is to streamline access to administration of income-based benefit programs and obtain data for outcome-based policy analysis and planning.

Voting against schedule 3 would be inconsistent with government commitments to transform the way that benefits are delivered in Ontario to benefits recipients. Voting against schedule 3 and therefore maintaining the status quo would mean longer wait times, multiple applications and processes for benefits, repeating paper-based processes and limited availability of data for program and policy evaluation.

Basically, the goal here is to create a central touch point to access benefit information. This is tremendously to the benefit of users and to policy makers. So we will be voting in favour of schedule 3 and against this notice.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: I'm sorry, I didn't even understand one word that you said about this schedule.

I just want to get on the record, though. As you'll recall, when CUPE raised their concerns, they did ask us to remove schedule 3 from Bill 173 in its entirety because they said it is "alarming when one considers its broad reach and seemingly radical implications for all benefits programs." CUPE Ontario—tens of thousands of employees—definitely has a significant trust issue with

the way that this government is managing the entire issue of benefits administration.

We would encourage the government to just remove it. It's such big piece of legislation to be buried in another omnibus bill from this government.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: Again, this is really about making sure that we have shorter wait times, simpler access, that we eliminate paper-based processes. For users, this is just going to enhance the experience and allow us to have information that aids us with policy, planning and evidence-based decision-making.

This was committed to in the 2012 budget, so this is not something that's new as a policy measure. This particular schedule allows us to streamline access to information, basically. Again, it creates a central touch point so that people can access their benefits. The central touch point would allow people to apply, update and review their file through multiple benefit programs through one portal instead of going through multiple portals. Ultimately, this is something that was committed to in the 2012 budget. It's going to enhance the user experience and it's going to enhance policy-making, so schedule 3 is important.

0940

The Chair (Mr. Peter Z. Milczyn): No further discussion?

On schedule 3, there are no amendments to sections 1 through 16. Before we proceed to voting on the schedule itself, can we vote on schedule 3, sections 1 through 16, inclusive?

Interjection: Yes.

The Chair (Mr. Peter Z. Milczyn): Shall schedule 3, sections 1 through 16, carry? Carried.

Shall schedule 3 carry? Opposed? Schedule 3 is carried.

There are no amendments tabled for schedule 4. Schedule 4, sections 1 through 10: Is there any discussion? Shall schedule 4, sections 1 through 10, carry? All those in favour?

Mr. Yvan Baker: Sorry, can you clarify, Chair, what we're voting on?

The Chair (Mr. Peter Z. Milczyn): We're voting on schedule 4, sections 1 through 10, inclusive. All those in favour? Opposed? Those sections carry.

Shall schedule 4 carry? All those in favour? Opposed? That carries.

Now we're on to schedule 5. There are no amendments proposed to schedule 5, so before we deal with the schedule as a whole, I'll ask for a vote on schedule 5, sections 1 through 4, inclusive. Shall schedule 5, sections 1 through 4, inclusive, carry? All those in favour? Opposed? Those carry.

There was a notice put forward by the NDP against adopting schedule 5. Ms. Fife?

Ms. Catherine Fife: New Democrats will be voting down the schedule because it allows the Minister of Finance to determine the tax refund percentage for vacant and excess commercial and industrial property instead of

municipalities. Municipalities should have control over their financing tools. As a former municipal politician, I'm sure that you would have felt this way when you were serving at the municipal level. It should not be left up to this government to decide what is best for them.

Quite honestly, it defies logic for the City of Toronto Act, schedule 5 of this budget bill, to have such overarching powers for the Minister of Finance. Why have that power? Why give the Minister of Finance the power to determine the tax refund percentage for vacant and excess commercial and industrial property? We all know that these properties are going to come into play, if—I hope that this happens—vacant and excess commercial land is actually transferred over in a meaningful way for affordable housing. Municipal partners are not happy about the Minister of Finance having this kind of power. They've been quite verbal about it and they've vocalized it.

New Democrats will not be supporting schedule 5 for these reasons.

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese?

Mrs. Laura Albanese: Schedule 5 wants to provide flexibility. It was a request by the city of Toronto. Voting against schedule 5 would force Toronto to continue to apply the rules that are currently in place in the act relating to tax reductions on vacant and excess land into rebates for vacant units, precluding, as I said, greater flexibility in these areas.

It would also preclude the use of simplified calculations in circumstances where the city might want to phase out tax capping for business properties and will let properties move further away from their current value assessment taxation levels.

This was a request by the city of Toronto.

Ms. Catherine Fife: Chair.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife?

Ms. Catherine Fife: It sets a dangerous precedent. If you attended the last AMO meeting in London, the tension between municipalities and this government is only growing. In fact, I think the tipping point did pass this last summer. If you move forward with these overarching powers that the Minister of Finance has, it will only create greater distrust across the province.

We've heard from those municipalities; I have a responsibility to bring their voices to this table.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker?

Mr. Yvan Baker: First of all, I think the government has a very good relationship with municipalities. I would also say that this is actually about giving the city of Toronto what it has asked for, what it has requested, as MPP Albanese highlighted. It's really offering a municipality that has made a formal request what it has requested: to give the municipality additional flexibility—that's what this does—in terms of how it taxes vacant land.

This is actually giving the municipality something that it wants and so that's why we actually think it's the opposite of what you're suggesting it does. This doesn't hurt the municipality; it gives it what it has requested and what it needs. That's why it's there.

The Chair (Mr. Peter Z. Milczyn): Any further discussion?

Shall schedule 5 be carried? All those in favour? Opposed? That carries.

Moving on to schedule 6, motion number 3. Ms. Fife? This is a new section to be added to schedule 6.

Ms. Catherine Fife: I move that schedule 6 to the bill be amended by adding the following section:

“0.1 Section 3 of the Compensation for Victims of Crime Act is amended by adding the following subsections:

“Training

“(5) Every member of the board, including the chair, upon their appointment, shall undergo training, as specified by the chair, in capacity law and autonomy rights, including training in the Substitute Decisions Act, 1992, the Mental Health Act, the Human Rights Code, the Accessibility for Ontarians with Disabilities Act, 2005 and article 12 of the United Nations Convention on the Rights of Persons with Disabilities.

“Same

“(6) The chair and members of the board in office on the day the Jobs for Today and Tomorrow Act (Budget Measures), 2016 receives royal assent shall undergo the training described in subsection (5) within six months after that day.”

Currently, the act does not require the Criminal Injuries Compensation Board to conduct a formal capacity assessment by persons trained in capacity related matters in order to find a person incapable. The CICB—the Criminal Injuries Compensation Board—members can conduct their own capacity assessment, which is incredible. This adversely impacts the dignity of people with disabilities.

This amendment ensures that all board members, including the chair, receive adequate training on capacity law and autonomy rights prior to making a decision relating to the compensation of victims. This amendment minimizes arbitrary findings of incapacity.

Quite honestly, when we were doing our research on this, I was surprised that this wasn't already part of a process put in place. If you are sitting on the board for the Compensation for Victims of Crime Act, your skill set has to be such that you can deal with these very sensitive, marginalized, often racialized issues.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife, I should have interrupted you immediately after you finished reading the motion into the record. I'd like to rule on the admissibility of this amendment. As it proposes to amend a section to a parent act that is not before the committee, I rule that this motion is out of order.

Ms. Catherine Fife: That's very disappointing.

Interjection.

The Chair (Mr. Peter Z. Milczyn): No. I've ruled this motion out of order. We will move on to—

Ms. Catherine Fife: Just for clarity, because this is going to happen again: Next time I read the motion, I

then have to ask for unanimous consent; is that correct? Or you rule—

0950

The Chair (Mr. Peter Z. Milczyn): No, it's after a ruling, you can ask for unanimous consent or you can seek to challenge the ruling.

Ms. Catherine Fife: I can't challenge the Chair, but I can challenge the ruling, right?

I would like to then seek unanimous consent to have this motion included for the committee to debate and discuss.

The Chair (Mr. Peter Z. Milczyn): “To consider”—you should say that you're seeking unanimous consent for the committee to consider the motion.

Ms. Catherine Fife: Consider the amendment or the motion?

The Chair (Mr. Peter Z. Milczyn): Consider the motion—

Ms. Catherine Fife: So that's what I do.

I ask for unanimous consent for the committee to consider this motion before them.

The Chair (Mr. Peter Z. Milczyn): Is there unanimous consent? I heard noes.

There are no amendments to schedule 6, sections 1 and 2. Unless there's any debate, shall schedule 6, sections 1 and 2, carry? All those in favour? Opposed? Those are carried.

Motion number 4, proposed new section 2.1: Ms. Fife.

Ms. Catherine Fife: I move that schedule 6 to the bill be amended by adding the following section:

“2.1 Subsection 21(4) of the act is repealed and the following substituted:

“Payments in case of incapacity

“(4) If a person entitled to an award under this act is incapable under the Substitute Decisions Act, 1992, any amount payable may be paid on their behalf to one of the persons listed in subsection 17(1) of the Substitute Decisions Act, 1992, and amounts so paid shall be received and administered by the payee for the benefit of the incapable person.”

The Chair (Mr. Peter Z. Milczyn): I'd like to rule on the admissibility of this amendment. As it proposes to amend a section to a parent act that is not before the committee, this motion is out of order.

Ms. Catherine Fife: Chair, I'd like to ask for unanimous consent for consideration of this amendment.

The Chair (Mr. Peter Z. Milczyn): Is there unanimous consent? I heard noes.

Motion number 5: Ms. Fife.

Ms. Catherine Fife: Somebody is buying me wine today, I just want to say.

I move that schedule 6 to the bill be amended by adding the following section:

“2.2 The act is amended by adding the following section:

“Accessibility of public documents

“27.1(1) All documents available on a website for the information and use of the public under this act, including information directives and forms, must be available

in a format that can be made accessible by any person and, as a minimum requirement, in a format that can be read by a screen text reader or can be modified by any person so that it can be read by a screen text reader.

“PDF documents

“(2) For greater certainty, a document in portable document format does not satisfy subsection (1).”

Is this in order?

The Chair (Mr. Peter Z. Milczyn): Yes.

Ms. Catherine Fife: Oh, good.

As I've already mentioned in my previous comments around increasing accessibility, this amendment ensures that all documents on websites will be in an accessible format for all Ontarians. At minimum, it must be in a format that can be read by a screen text reader.

Upon reflecting on some of the other comments by the committee, because this motion is in order, this is another tool or another avenue, if you will, to ensure that every Ontarian can actually have access to information, especially the Compensation for Victims of Crime Act. These are people who have been victims, who may be disabled because of the crime against them. All that we're trying to accomplish, throughout this fairly painful process, is to ensure that they have access to the information so that they know their rights, period.

There's no good reason not to support this motion, so I would ask for support from this committee to ensure that screen text readers are part of the process going forward.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: Again, as I outlined in the last similar amendment, this amendment would ensure that documents that may be requested by someone who is disabled are provided in a format that that very person can properly utilize. After all, that is the audience that the website in this particular instance is trying to address; if it is inaccessible, that is patently against what the entire act is for.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: Again, I recommend voting against this motion. It creates an unnecessary section in the Compensation for Victims of Crime Act. Per earlier discussion, the AODA already grants the government the regulation-making authority to set accessibility standards regarding web content. These standards, like I said earlier, are reviewed every five years. That next review is due this coming year, and that allows the government to review the latest technologies on an ongoing basis and make sure it is taking the appropriate steps.

I understand the policy intent and we are supportive of the intent. My disagreement with this is really based around the fact that I do not think this is the right mechanism to do that.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: I just want to be clear: What I hear when you say that this review—there's a reason that there's a hashtag in the province of Ontario that says #AODAFail. That's because the act is failing people with disabilities. I know that's hard to hear and I know you don't want to hear it, but what I hear in my mind when

you say “The review is going to be happening in the future” is that you are asking for people with disabilities or people who have been victimized through a crime and therefore are disabled to wait a little bit longer.

I see no reason for them to wait a little bit longer when this motion has been ruled in order. We have the ability, we have the capacity, to at least ensure that accessibility is at the heart of a proceeding that would relate to compensation for victims of crimes. I do not understand, genuinely so, why the government would not use the tools that are at your disposal to make a piece of legislation and take an opportunity to at least signal to those people in the province of Ontario with disabilities that we are willing to be more flexible, because we're asking them to be flexible every single day.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: What I am arguing for is greater flexibility. Because the government has the regulation-making authority, that allows us to be flexible. Putting these things into legislation does not allow that as much, so I'm arguing for the fact that we already have a mechanism to address this. We have a review every five years.

You talked about the AODA, but when we passed the AODA, we were the first province in Canada with legislation that sets out clear goals and time frames. We were the first jurisdiction in the world to move to a modern regulatory regime to mandate accessibility and require staff to be trained in accessibility. Ontario is the only jurisdiction in Canada that currently has enforceable standards. I think, again, that the proposed amendments introduced as part of this budget support the steps we have taken to achieve a fully accessible Ontario by 2025 by eliminating barriers in legislation.

We already have a mechanism to address what you are trying to achieve, and what I am saying is that because we already have that mechanism, this is unnecessary. The current mechanism is, in my view, the appropriate way to approach that policy objective.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: You referenced the historic AOD Act. We were the first jurisdiction to bring an act in but then not resource that act to ensure that buildings could be accommodating, to ensure that training was part of it, and to really put the onus on all Ontarians and take the responsibility off the government to ensure that accessibility is a right. You and I can go back and forth on this all day long.

When you enshrine in legislation the rights of people with disabilities, you are signalling to them that it is a priority for the government. So ensuring that screen text readers are a tool—a mechanism, if you will—for them to have access to what actually happens at this place, that is actually a good thing. It is not tying the hands of anyone in the province of Ontario. It is putting it in legislation. It is making the rights of people with disabilities the law.

This is a small measure to put in. We would do more if it wasn't ruled out of order.

1000

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: I think the government has signalled that this is a priority, through the passing of the AODA and through the actions and regulations under the AODA. We've demonstrated that it's a priority. That's the first point.

The second point is, again, that we are not disagreeing on the policy objective of increasing accessibility. What I'm saying is the best way to ensure that and the most effective way to ensure that—not just immediately, but on an ongoing basis—is by what is allowed or supported by what the AODA already provides the government, which is regulation-making authority. Through that review, which is done every five years, we can ensure that that happens.

So we're not disagreeing on the policy intent. What we're disagreeing on is the approach. What I'm saying is that the approach that allows us to review this every five years—that allows the government to remain flexible to keep up with the times, to keep up with technology and also make Ontario accessible—is the approach that I'm advocating for.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Shall the new section 2.2 carry? All those in favour? Opposed?

Mr. Yvan Baker: I'm sorry; can you clarify?

The Chair (Mr. Peter Z. Milczyn): This is on motion 5, which is to implement a new section 2.2 to schedule 6.

Mr. Victor Fedeli: We saw some pretty good hands up over there.

The Chair (Mr. Peter Z. Milczyn): No, I saw confusion on that side.

Mr. Victor Fedeli: Well, we see that all the time.

The Chair (Mr. Peter Z. Milczyn): So all those in favour of motion number 5? All those opposed? The motion does not carry.

There are no amendments proposed to schedule 6, section 3. Is there any discussion? Shall schedule 6, section 3, carry? All those in favour? Opposed? That carries.

Mr. Victor Fedeli: We're just not used to voting twice on items, Chair.

The Chair (Mr. Peter Z. Milczyn): There was only one vote.

Shall schedule 6 carry? All those in favour? Opposed? That carries.

Moving on to schedule 7, there are no amendments to any sections in this schedule. Unless there's discussion, I will move to a vote on schedule 7, sections 1 through 3, inclusive.

Shall schedule 7, sections 1 through 3, be carried? All those in favour? Opposed? Those are carried.

Shall schedule 7 carry? All those in favour? Opposed? That is carried.

Schedule 8: There is a motion number 6 to add a new section. Ms. Fife?

Ms. Catherine Fife: I move that schedule 8 of the bill be amended by adding the following section:

"0.1 The Education Act is amended by adding the following section before part I:

"Accessibility of public documents

"1.1(1) All documents available on a website for the information and use of the public under this act, including information directives and forms, must be available in a format that can be made accessible by any person and, as a minimum requirement, in a format that can be read by a screen text reader or can be modified by any person so that it can be read by a screen text reader.

"PDF documents

"(2) For greater certainty, a document in portable document format does not satisfy subsection (1)."

Obviously, this amendment would ensure that all documents on websites are in an accessible format for all Ontarians. At minimum, they must be in a format that can be read by a screen reader.

I would like to say we are supportive of schedule 8, the Education Act, which prohibits a principal from unilaterally excluding a student with a disability. This is a good part of the act. This is a good piece of 173, because under section 265 of the act, it allows a school principal to exclude a student with a disability from a classroom or a school if the principal judges the student's presence to be detrimental to the physical or mental well-being of the other students at the school.

Under this part of the act, though, and as it relates to accessibility, we see including advanced technology like a screen text reader to be a part of this discussion, which ensures that the students, the parents and the staff, if they have disabilities or if they have barriers to accessing information, those barriers do not exist.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: Once again, we support this amendment because this would ensure that the documents that may be requested by the disabled are provided in a format that they can properly utilize.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: I know this is going to make some of the similar points that were made earlier, because I think this motion is very similar to some of the previous ones that were made.

Again, I think this creates an unneeded section in the Education Act. We already have the regulation-making authority to set accessibility standards regarding government web content. These standards are reviewed every five years. That review is coming up this year. That's required by the AODA, so that review is enshrined in legislation already. My view is that updates or revisions are best made through that ongoing process. It allows us to be flexible.

It also allows us to be consistent. Each of the motions that you've brought forward touches on different acts. What the review allows government to do is to look across government at all applications and make sure that there's a consistent approach across as well. Doing this selectively is also not the right approach.

But I just think that there's an ongoing review process that's mandated by the AODA that we brought in to

increase accessibility across the province. That's the best mechanism to achieve the objective that you're trying to achieve.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife?

Ms. Catherine Fife: To counter everything that you just said: If these one-off amendments—motions—were not successful, then the government would not have had to bring in this part of the act as it stood. If the AODA was actually working, then the government would not have to bring in schedule 8 of the Education Act, which prohibits principals from unilaterally excluding a student with a disability. If the AODA was working, then you wouldn't have to actually tell principals that they can't exclude special-needs students from the schools.

Your very argument is what you're actually doing: The government is amending the Education Act and trying to uphold the rights of students. It even goes further—and this came through ARCH again. They cite that “principals often use their discretion under that provision to exclude students because of resource short-falls”—sometimes poverty, sometimes access to information—or because a student's disability-related needs have not been properly accommodated.”

This would be an accommodation. This should probably be happening everywhere, but it's not. That's why the NDP is trying to incorporate it into Bill 173. We're trying to double down. It's not duplication if it's not being upheld in the first place.

ARCH actually cites that because students with disabilities have not been properly accommodated in the school system in Ontario, “This violates the rights of students with disabilities to equal access to education under Ontario's Human Rights Code.”

My point is that you can't have enough protections for people with disabilities. They need protections at every corner, at every turn. Ensuring that there's a screen text reader is a small modification to ask for.

It just astounds me that the government is digging in on this issue, when these motions and these amendments have been determined to be in order. This is a tool that the government can signal, especially as it relates to students with disabilities, or special-needs students—I know you have your marching orders, but I have to argue it. I have to argue on this point especially, as the former president of the Ontario Public School Boards' Association. We saw these issues all the time.

Access to information is access to rights. The rights of people with disabilities in the province of Ontario need to be protected at every turn, and this is one of the tools.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: Again, I'm not disputing the policy intent. What I'm saying is that there's a mechanism already in place that allows us to be flexible and to adapt with the times. That review is coming up this year. That allows the folks doing the review, which is mandated by the AODA, to do just that.

We're not debating the broader AODA here. We're debating this specific motion, which speaks to content. I'm saying that there's a regulation-making authority that

the government already has, that it applies after review every five years, and that the opportunity to do that is already there, and that that's a prudent way to ensure that it's done in an updated way—such that we're flexible, as you said you wanted to be—but also consistently across government.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

There being no further discussion, this will be a vote on motion number 6, to enact a new section 0.1.

Shall new section 0.1 carry? All those in favour? Opposed? That does not carry.

There are no amendments tabled for schedule 8, sections 1 through 12, so unless there is any discussion, shall schedule 8, sections 1 through 12, carry? All those in favour? Opposed? Those sections carry.

Shall schedule 8 carry? All those in favour? Opposed? That carries.

Schedule 9: There is motion number 7. Mr. Fedeli.

Mr. Victor Fedeli: Thank you, Chair. I do have a lengthy presentation to make on this.

The Chair (Mr. Peter Z. Milczyn): First you have to read the motion.

Mr. Victor Fedeli: I realize that. I'm just looking at the clock. Do we want to begin? I have a very lengthy presentation on this. Do you want me to read the motion in, and we'll go from there?

The Chair (Mr. Peter Z. Milczyn): Yes.

Mr. Victor Fedeli: This is PC motion number 7.

I move that the definitions in subsection 1(1) of the Financial Administration Act, as set out in subsection 1(1) of schedule 9 to the bill, be amended by adding the following definition:

“special purpose” includes any program established by the government of Ontario relating to taxes or tax credits on carbon emissions;”

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Fedeli.

Being mindful of the time, does the committee want to start debate on this item, or do you want to continue it at 2 o'clock when the committee reconvenes this afternoon?

Ms. Catherine Fife: At 2 o'clock.

Mrs. Laura Albanese: At 2 o'clock, yes.

The Chair (Mr. Peter Z. Milczyn): The committee is recessed until 2 p.m.

The committee recessed from 1012 to 1402.

The Chair (Mr. Peter Z. Milczyn): I call the meeting to order. When we left off, Mr. Fedeli had read into the record motion number 7. Mr. Fedeli?

Mr. Victor Fedeli: I'm not being facetious: Am I allowed to proceed without a quorum? Can I proceed?

The Chair (Mr. Peter Z. Milczyn): You may proceed.

Mr. Victor Fedeli: Thank you. I was at the motion that asked that “special purpose” include any program established by the government of Ontario relating to taxes or tax credits on carbon emissions. I was speaking specifically about money that is collected through the carbon emissions tax program, including cap-and-trade or

any of the other carbon-related taxes to be deemed a special purpose account. That's how I intended this to be.

If I may speak about the discussion paper that was presented by the government some time ago, before the end of the year: They talked about the fact that when they brought out the climate change program, there was no idea what the cost would be. Actually, they said the cost of the climate change strategy was unclear. But the very next day, the fall economic statement was released and it had charts published that preliminary projected cap-and-trade proceeds were going to be, at that time, \$1.6 billion. That, of course, changed and grew in the budget to \$1.9 billion.

We're seeing the same kind of movement with the cap-and-trade as we saw with the Hydro One budget. We now know from the Financial Accountability Officer that all of the Hydro One sale revenue is going to be used ostensibly to balance the deficit. It goes into the one fund, the transit and infrastructure fund, and that money that was already budgeted comes out and goes to pay the deficit. The Financial Accountability Officer made that very clear for us.

But now we realize that same technique is going to be used for the cap-and-trade money as well. If you look at the cap-and-trade bill, Bill 172, on page 47 they say that the money, the authorized expenditures, can be used to directly or indirectly fund costs related to schedule 1. If you go to schedule 1, right at the last page of the book, it says that of the initiatives that are allowed under cap-and-trade, public transit vehicles and infrastructure can be purchased with the cap-and-trade funds. Then you go back to page 47, section 2, item 3. They can use that money—the cap-and-trade money—then to reimburse the crown for expenditures incurred by the crown for any of those projects.

This is, quite frankly, the smoking gun that we found for hydro; it's also the same smoking gun that we find now for cap-and-trade, which is why they put that \$1.9 billion in general revenue. It's not intended to be utilized as is described. It is intended to be utilized to lower the deficit, and, as the Financial Accountability Officer described it, to artificially lower the deficit.

That's why we are saying in here that we want that program to be put into a special purpose account so that we can actually reveal to the public that, unlike the bill that we're being sold that it's being used to lower greenhouse gas emissions, it is indeed being used for roads and highways and transit. That's what you're allowing it to be, but this is for already budgeted. There's nothing new; there are no new emissions that will be changed. It's nothing more than a tax grab.

That's why, Chair, we are putting this particular amendment in. That's as far as I wanted to take it. I know Mr. Barrett may have other thoughts but I'll stop at this point.

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett?

Mr. Toby Barrett: Thank you, Chair. Just to reiterate, in my view, where we are coming from on this: We take climate change seriously. We are on record that, yes,

there should be a price on carbon. As members would know, we have reservations and little use for the carbon dioxide trading system that's being proposed.

Essentially, this is all about getting carbon dioxide out of the air and capturing carbon dioxide. I think it addresses the integrity of this whole process. If the general public, many of whom are concerned about climate change, who do want their elected representatives and their government to do something specific about carbon dioxide and the impact on climate—without this amendment, it's just seen, essentially, if I can use the term, as a tax grab.

This gets around that. It very clearly establishes a special purpose account. People know where the estimated \$1.9 billion every year would be going and, if not, it's just more of the same.

This is an issue that people in the province of Ontario have been talking about since 1953. I have a *Globe and Mail* article from 1953 that talked about the greenhouse effect. I used to teach environmental science in the late 1960s and early 1970s. It was on the high school curriculum back then; then it was called the greenhouse effect, as you know. Then it was referred to as global warming, which was kind of a tough sell, especially on a day like today in April when it's snowing.

We talk about climate change and there are people in our society and there are organizations and there are business sectors—many of them have testified before this finance committee—that are in a position to do something about carbon dioxide. I think of, say, most of the land outside of our major cities, whether it's under forestry or agriculture. These sectors are in a position to do something about this. They could use an incentive; \$1.9 billion is being subtracted, by and large, from those who drive or use natural gas, for example. They need an indication beyond the fact that the \$1.9 billion gets subtracted every year and goes into general revenues.

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Where is the climate change fund or whatever you want to call it? Under legislation, we refer to a special purpose account; if not, in my experience, it goes into general tax revenue and we continue to talk about this, as we have been since 1953. We're not actually doing anything. Granted, we're bringing in tax revenue; 40% of gasoline price at the pump is tax now. I guess we could call that a carbon tax, whether it's the road tax, the federal excise tax or the HST, which is on top of that. This is in addition to that, as we know. I'm just talking about at the pump, where many of our people get the information. Most gasoline pumps list the taxes.

If it's left just as a tax issue going into general revenue rather than taking it beyond that—and we've had 60 years of discussion on this. We advocate taking it beyond that, that it goes into a dedicated fund. We can call it a climate change fund, for example, or whatever it wants to be called. It gives people confidence that in our society, elected representatives and this government are going to do something beyond just subtracting money and not allocating any money back to actually do something about carbon dioxide.

The Chair (Mr. Peter Z. Milczyn): Thank you. Ms. Albanese.

Mrs. Laura Albanese: This motion would add two additional subsections to section 7 of the Financial Administration Act. The first, the proposed subsection 7(7), would require that the Auditor General, as part of her review—

Mr. Victor Fedeli: No, Chair, that's not the—

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese, we're on PC motion 7—

Mrs. Laura Albanese: Number 7.

The Chair (Mr. Peter Z. Milczyn): —which is an amendment to schedule 9, subsection (1).

Mrs. Laura Albanese: Subsection (1) of the bill—

The Chair (Mr. Peter Z. Milczyn): Schedule 9, subsection (1).

Interjections.

Mr. Victor Fedeli: May I, Chair? You were referring to section 7, the Auditor General. That's not the one we're debating.

Mrs. Laura Albanese: So that's not the one?

The Chair (Mr. Peter Z. Milczyn): Motion number 7 in your package, on schedule 9.

Mr. Victor Fedeli: Motion 8 is the Auditor General.

Mrs. Laura Albanese: It's the motion—okay. I'm sorry. I'm having trouble finding my trail. Schedule 9.

The Chair (Mr. Peter Z. Milczyn): Schedule 9, section 1.

Mrs. Laura Albanese: This is the one that proposes the changes of the set definitions.

The Chair (Mr. Peter Z. Milczyn): Yes.

Mrs. Laura Albanese: The new definition for the special purpose account and a new definition for the designated purpose account; am I correct?

Mr. Victor Fedeli: It's not the one for the Auditor General. That is the next motion.

Mrs. Laura Albanese: Yes, not the one for the Auditor General.

It's about the definitions of the two accounts, the special purpose account and the designated purpose account. Am I correct? Do I have the right one?

The Chair (Mr. Peter Z. Milczyn): It seeks to amend the definition of "special purpose."

Mrs. Laura Albanese: Yes. By earmarking the money that comes into the Consolidated Revenue Fund and then tracking the expenditure, the government is able to demonstrate the use of the funds for their intended purposes.

A designated purpose account would be used to refer to the revenues of the province, the amount of which can be paid out to the Consolidated Revenue Fund under a statute and for a purpose specified in the statute. We're talking about the Trillium Trust.

This change in legislation is about adding clarity and transparency to the oversight of the funds, and adding a classification for the two purpose accounts will better describe how each will be treated under the accounting laws.

These amendments are aimed at dismantling two fictions, if I may say so. One is that the name of an account in these instances, whether it's a special purpose account or a designated purpose account, indicates a distinct and apportioned account of money to be held separate from the general Consolidated Revenue Fund; and that certain funds previously designated as special purpose accounts are subject to legal accounting restrictions—in other words, to make sure that they're on the books as liabilities.

Our view is that it would not be fiscally responsible to hold funds separate from the Consolidated Revenue Fund in distinct accounts. Special purpose accounts, as they exist now, are not accounts in the traditional sense. Both special purpose accounts and designated purpose accounts are not separate accounts; it's whether they're earmarked or tracked funds. Why? Because earmarking funds allows for all of the accountability and transparency of a separate account without the associated financial disadvantages of having separate holdings.

At the end of the day, whether or not we are calling the account a designated purpose account, what actually indicates the government's obligations around spending is the source of the money that is being spent. The government has certain obligations around money it has received from a third party that has been slated for a special purpose account and different obligations around money apportioned from the government's own revenue or assets. The government is not permitted, under public sector accounting standards, to treat any of its revenues that have been dedicated for specific purposes as liabilities.

The proposed amendment to section 7 would allow designated purpose accounts to be used in place of special purpose accounts. This would do nothing to decrease the oversight that they are currently subject to. If anything, it would make their legal characterization consistent with their required treatment under the public sector accounting standards.

Besides better clarifying accounting standards, creating designated purpose accounts allows for more effective use of public funds. For example, funds within a special purpose account have to be a liquid asset to be recognized or utilized. In the instance of Hydro One, some of the gains recognized by Ontario that were intended to be credited to the Trillium Trust would not have resulted in cash payments into the Consolidated Revenue Fund. So it wasn't possible to recognize these non-cash gains under a special purpose account model.

Other ministries with programs and projects that may reduce greenhouse gas emissions will first make proposals to the Ministry of the Environment and Climate Change. The total cost of a ministry's eligible project or program will be shown in the voted estimates along with the portion to be recovered from the designated purpose account statutory authority. So the financial activity of a designated purpose account will appear on the estimates in volume 1 of the public accounts, in the actuals, under the lead fund ministry. The Ministry of the Environment

and Climate Change is the responsible ministry with respect to the permit auction process and the policy oversight responsibility for determining whether a particular initiative could reduce greenhouse gas emissions. Instead, the Ministry of Finance has the responsibility for reporting on the Trillium Trust.

What I'm trying to say, Chair, is that these changes are meant to increase transparency in spending for accounts like the Trillium Trust and the greenhouse gases fund. Both of these funds are not being used to reduce the deficit, to increase overall revenues or serve as slush funds, as we've heard. Through the estimates document, the use of both the Trillium fund and the greenhouse gas fund will be tracked, and the government can be held accountable for its spending.

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The Chair (Mr. Peter Z. Milczyn): Thank you. Ms. Fife.

Ms. Catherine Fife: This is a pretty interesting debate, because the premise that the government is operating under is that this is actually going to make the accounting practices of the Liberal government more accountable and transparent. Yet we also know that the Financial Accountability Officer is currently looking into this very issue, even as this bill is crafted, because there's a lack of transparency.

As the critic for the NDP—and I'm sure Mr. Fedeli also received the same information at our briefing—there is definitely an ambiguity around where this money is going to go, and there's a lack of trust, actually, about where this revenue, through the cap-and-trade program, is going to go.

We probably differ from the Conservatives in that we do want to make sure that all of that revenue that is pulled in through the credit system is actually reinvested to reduce greenhouse gases, but we share the concern of the PC Party in the shell game—which we've all borne witness to—about where the money is going.

The expectation for us is that the FAO, as he is preparing a special report on the use of cap-and-trade revenues—we're going to be looking to that report for greater clarity. I think that what the PCs are trying to do is just make sure, with the premise that a "special purpose" includes any program established by the government—I mean, this government is very good at creating special purposes as they see fit. It doesn't help that the next section, which this motion does not necessarily speak to, though, says that the act will be amended to provide that a regulation under that section may be retroactive. This is almost like a get-out-of-jail regulation afterwards, an amendment to the Financial Administration Act.

The most accurate financial records in this House, as far as I can tell, are the public accounts, because that's the money that has actually been spent. In the last two years, this government says that they have invested record amounts of money into infrastructure. In the last two years, they have underspent on infrastructure by almost \$1 billion. So changing the accounting process

doesn't actually change the outcome for Ontarians, and I think that, as cap-and-trade moves forward, as this legislation around that moves forward, people have a right to know where this money is going. These changes to the Financial Administration Act do not necessarily make that more clear.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much, Chair. I'm glad we're having this conversation, by the way.

Again, I want to reiterate what my colleague Toby Barrett had to say. Climate change is a serious challenge. It requires a credible plan to reduce greenhouse gas emissions while protecting the taxpayers and our economy. That's our position. But we're most concerned that this government will take advantage of the goodwill the public has shown on wanting to do something about combating climate change. The public is skeptical, and the government deserves that skepticism.

Again, if we go back to the Hydro One sale and we listen to the Financial Accountability Officer, he told us that there were monies put into general revenue from the sale of Hydro One that were used to artificially lower the deficit this year and next year. But once those sales are done—the expenses haven't changed, but that one-time revenue source is gone—he told us: Expect your deficit position to recur. Coincidentally, that will be just about after the time of the next election.

So he convinced us that that is what this is for. When we saw the fall economic statement, his projections were borne out. There it is in the revenue. And when you look at the actual bill, Bill 144, the finance bill that came out, it's the one that got this to happen. They can put the revenue in and take the revenue out to reimburse the government for monies already spent on infrastructure.

That's what happened in the Hydro One sale, and now, right in front of our eyes, we're watching this unfold again. Maybe the members of the government may not be fully aware of that. Again, I will repeat, much like I had to repeat about the Hydro One sale about 15 times until it was finally acknowledged and borne out by the Financial Accountability Officer, that that is indeed what happened.

That's what's about to happen here in a 56-page document, which is the Greenhouse Gas Reduction Account, and that bill. On page 47, item 68, section 2, they're very explicit on authorized expenditures of the greenhouse gas money that is collected. The \$1.9 billion is "to fund, directly or indirectly, costs relating to initiatives described in schedule 1"—I'll get to it—"to this act that are reasonably likely to reduce, or support the reduction of, greenhouse gas."

Admirable, correct, proper—let's go and look at schedule 1. Under schedule 1, you can use the cap-and-trade money to build infrastructure, to buy public transit vehicles, and the list goes on and on.

Then you go back to the last chapter, and it says that you can reimburse the money. One of the authorized expenditures of the cap-and-trade money is "to reimburse the crown for expenditures incurred by the crown" for any of those items.

Again, this is nothing different than what they did with the Hydro One money. You announce a \$130-billion infrastructure program over 10 years—this last budget beefed it up to \$160 billion over a dozen years—but now you're using that money to fund that infrastructure and taking the money that was already in that infrastructure out, and using that money to artificially reduce the deficit.

That's what's happening in Ontario today. That's why we're putting this amendment in. They can talk about the fact that "It needs to go into consolidated revenue." It's really going there because they need that revenue to artificially balance the budget. It's not being put into any new initiatives. Those are just my final thoughts on it. I won't repeat myself.

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese?

Mrs. Laura Albanese: I just wanted to reiterate the fact that the proposed amendment to section 7 that would permit the designated purpose accounts to be used in place of the special purpose accounts would do nothing to decrease the oversight that they are currently subject to. If anything, it would make their legal characterization consistent with their required treatment under the public sector accounting standards. It allows for a more effective use of public funds. They will be publicly tracked in public accounts.

Earmarked commitments should not be reported as a line in the consolidated financial statements in order to ensure a clear focus on a single bottom-line report of the province's consolidated financial position.

This also avoids any appearance of the government attempting to create a liability to itself. The full-stage reporting will be in volume 1 of the public accounts and the greenhouse gas reduction fund will receive that treatment. I just wanted to reiterate that.

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett?

Mr. Toby Barrett: I know we've had to reiterate a number of things here because it is complex. Again, as MPPs, it's difficult to explain this to people who are standing at a gas station pumping gas.

They have a sign on the gas pump—I've got a picture of it right here—that explains to them where the tax money is going from their gasoline. It's very clear-cut. Just for the record, this is on a Pioneer gas station, taxes on gasoline prices in Ontario: Ontario road tax, 14.7 cents per litre; federal excise tax, 10 cents per litre; and then on top of that, 13% HST. It's fairly clear-cut.

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The Ontario road tax—a lot of people have suspicions that that 14.7 cents of every litre they put into their car or their truck isn't going completely to roads. There is skepticism out there, and in fact they would know that some of that goes to subways and other forms of transportation. But at least the private sector explains the taxes very specifically in either percentages or cents per litre. Even the Environmental Commissioner herself has indicated that this Ontario road tax is not a dedicated tax to roads.

That does create the skepticism that Mr. Fedeli is speaking about, but it's still relatively clear-cut. If you

add up the price of gas today, maybe 40% of what you put in your tank is tax. It's getting up there to the level of wine, tobacco or other sin taxes, and many people resent that, especially those people with businesses where they have to have trucks on the road, vehicles on the road, or people who commute to work, people who live out in rural areas where there maybe aren't jobs next door and they have to drive into the city.

On the other side of it—again, the skepticism. Many of us recall the largest income tax hike in the history of Ontario under a previous Premier. It was called a health tax. I think a lot of people thought that was a health tax. They knew they were going to be paying it and assumed it was to be dedicated to health. It's an income tax. It was called a "health tax." There's some obfuscation there.

This is all about capturing carbon dioxide. There is a lot of skepticism out there. Many of us as elected representatives—all three parties support doing something about this. Many of our constituents don't, and this amendment, I feel, is just one way to assure people that this extra money they're putting in—for example, cap-and-trade, the estimate is, adds 4.3 cents to a litre of gasoline. That takes the Ontario road tax or subway tax, whatever they're going to put on the side of the pump, up to 19 cents a litre. People read that every time they pump their gas. Maybe they read it unconsciously because the signs are always there.

Because of the skepticism, because of the importance or the responsibility of elected leaders to explain the rationale behind taxing people to do something about climate change, I think it's important on the other side of the fence to also make it clear where that money is sitting once it is accrued from the natural gas user, the gasoline user or any other consumer of goods and services that may be subject to whatever consumption tax comes along, perhaps under the guise of climate change and under the cloak of environmentalism.

That's the concern I have, and that could be fixed in part through this amendment. It's all about carbon dioxide.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Baker.

Mr. Yvan Baker: I just wanted to add that the changes that are proposed here are basically designed to increase transparency, right? They're about increasing transparency, but calling a spade a spade: Both the Trillium Trust, which Mr. Fedeli referred to, and the greenhouse gas fund are not being used to reduce the deficit—we should just be honest about that—or to create a slush fund or anything like that. Through the estimates document, the use of both the Trillium and the GHG fund will be tracked and the government can be held accountable for its spending. I think this is very clear. It's transparent, and a plus for accountability.

The Chair (Mr. Peter Z. Milczyn): Thank you. No further discussion, so a vote on motion number 7, which is an amendment to schedule 9, section 1: Shall the amendment carry? All those in favour? Opposed? That does not carry.

Shall schedule 9, section 1, carry? All those in favour? Opposed? That carries.

There is no amendment tabled for schedule 9, section 2, so I'll put that to a vote. Shall schedule 9, section 2, carry? All those in favour? Opposed? That carries.

Mr. Fedeli or Mr. Barrett: motion number 8? Mr. Barrett.

Mr. Toby Barrett: I move that section 3 of schedule 9 to the bill be struck out and the following substituted:

"3. Section 7 of the act is amended by adding the following subsections:

"Recording in designated purpose account

"(6) If an act provides that money is, or is deemed to be, money paid to Ontario for a special purpose, any requirement to record receipts and disbursements of that money in a special purpose account in the Consolidated Revenue Fund or in the public accounts is deemed to be satisfied if the receipts and disbursements are recorded in a designated purpose account.

"Review by Auditor General

"(7) As part of the review that the Auditor General is required to do of the Consolidated Revenue Fund, the Auditor General shall verify that all receipts and disbursements of money that subsection (6) requires to be recorded in a special purpose account or designated purpose account have been so recorded and that all such disbursements have been disbursed for the purpose stated in the record in the applicable account.

"Revenue neutrality under carbon emission program

"(8) The government of Ontario shall not establish any program relating to taxes on carbon emissions unless it also establishes a program for corresponding tax credits so that the net effect of the two programs is no interest in the money received"—

Mr. Victor Fedeli: "No increase."

Mr. Toby Barrett: Oh, I'm sorry—"no increase in the money received in the Consolidated Revenue Fund."

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Barrett. Committee members, I'm ruling this amendment out of order as it is, in my opinion, beyond the scope of the bill.

On schedule 9, section 3: If there's no further discussion, shall schedule 9, section 3, carry? All those in favour? Opposed? That carries.

There are no amendments tabled to schedule 9, sections 4 through 6. Unless there's any discussion, I'll bring it to a vote. Shall schedule 9, sections 4 through 6, inclusive, carry? All those in favour? Opposed? They're carried.

Shall schedule 9 carry? All those in favour—

Ms. Catherine Fife: I just want to give reasons.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: Just on the entire schedule 9 of the bill: New Democrats will be voting down the entire schedule, a schedule that unnecessarily adds confusion over the meaning of revenue recognition and authorized expenditures, particularly for monies in the Consolidated Revenue Fund, which is exactly the opposite of what we heard from members across.

To add to the confusion, Chair, these changes do not appear to be necessary for the government to conform to public sector accounting standards, period. The concern that opposition parties have raised about the changing of designation and the renaming of accounting practices doesn't even need to be necessary by this government.

We will be voting down schedule 9, and we would recommend that other members of the committee do the same.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli?

Mr. Victor Fedeli: The PC Party will be opposing the entirety of schedule 9 as well because, much like the previous budget, where the Hydro One sale was included, it took many different pieces of a puzzle, spread out over 12 months—buried over 12 months—to be able to use that revenue, as the Financial Accountability Officer pointed out, to artificially balance the deficit.

That's exactly what's happening here. This is one of the many pieces of the puzzle that will allow the government not to use the funds exclusively for greenhouse gas emissions but to pay for previously approved and budgeted infrastructure.

1440

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: I just wanted to respond to that. The intention of these changes is precisely to add transparency. That's one of the key reasons, or the key reason. It is not what Mr. Fedeli was just indicating. Again, the changes are proposed to increase transparency. Both the Trillium Trust and the greenhouse gas reduction fund are not being used to reduce the deficit. I think I have to be very clear about that. They're not being used to increase overall revenues or serve as a slush fund, as has been suggested.

Through the estimates document, the use of both Trillium and greenhouse gas funds will be tracked, and the government can be held accountable for its spending. It will be completely transparent. It provides an opportunity for greater transparency and allows members of the public to ensure that they hold the government to account.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: I can't let that go unchallenged, Chair. I apologize. This is exactly the argument we heard a year ago with Hydro One. You can huff all you want. That's exactly the argument we heard from Hydro One: denials, denials and denials—maybe innocent denials. But it took the Auditor General and then the Financial Accountability Officer to tell us that that is not what happened. The money was used.

We're hearing today that the money will be going in the direction they're indicating, but we know, based on the evidence we've provided today and all the little pieces of the puzzle, that that is indeed what will happen. Perhaps, like last year, it will take the Auditor General and the Financial Accountability Officer until that time to disclose what they disclosed this year, but by then it will be too late.

The Chair (Mr. Peter Z. Milczyn): No further discussion? Shall schedule 9 carry? All those in favour? Opposed? That carries.

We move on to schedule 10. There are no amendments tabled to schedule 10, sections 1 and 2. Is there any discussion on those two sections? If not, shall section 10, sections 1 and 2, carry? All those in favour? Opposed? Those are carried.

Motion 9: Ms. Fife.

Ms. Catherine Fife: I move that schedule 10 to the bill be amended by adding the following section:

“2.1 Section 35 of the act is amended by adding the following subsections:

“Accessibility of public documents

“(3) All documents made available to the public on the Internet under subsections (1) and (2) and any other documents made available to the public on the Internet, including forms, must be available in a format that can be made accessible by any person and, as a minimum requirement, in a format that can be read by a screen text reader or can be modified by any person so that it can be read by a screen text reader.

“PDF documents

“(4) For greater certainty, a document in portable document format does not satisfy subsection (3).”

The Chair (Mr. Peter Z. Milczyn): Committee members, I'm ruling on the admissibility of this amendment: As it proposes to amend a section to a parent act that is not before the committee, this motion is out of order.

Schedule 10, section 3: There are no amendments tabled. Is there any discussion? Then shall schedule 10, section 3, carry? All those in favour? Opposed? That is carried.

Motion 10: Ms. Fife.

Ms. Catherine Fife: I move that schedule 10 to the bill be amended by adding the following section:

“3.1 The act is amended by adding the following section:

“Accessibility of public documents

“69.1(1) All documents available on a website for the information and use of the public under this act, including information directives and forms, must be available in a format that can be made accessible by any person and, as a minimum requirement, in a format that can be read by a screen text reader or can be modified by any person so that it can be read by a screen text reader.

“PDF documents

“(2) For greater certainty, a document in portable document format does not satisfy subsection (1).”

The Chair (Mr. Peter Z. Milczyn): This amendment is deemed to be in order, so we will debate it.

Ms. Catherine Fife: Excellent. That's good.

Since this morning, I've been trying to figure out where the government is coming from on their refusal to adopt some very basic accommodations as they relate to schedules contained within the budget act. I thought that perhaps it was because the government members or their staff don't understand what a screen reader is. This goes

to Mr. Barrett's question from this morning. So I thought that I might just explain to you how simple this is:

“A screen reader is a software application that enables people with severe visual impairments to use a computer.” It's very commonly used assistive technology. “Screen readers work closely with the computer's operating system ... to provide information about icons, menus, dialogue boxes, files and folders” and the rest of it.

A screen reader interprets what is displayed on a screen and presents it to the user in a different format. Formats include text-to-speech, sound icons and Braille output.

“Screen readers are very complex, capable applications. They offer far more than mere assistance with browsing or email retrieval. A screen reader is simply another interface, a monitor replacement, offering verbal and tactile feedback rather than visual.”

This quote came from AODA Alliance website.

With every motion that I've introduced and every amendment that has failed, you'll see that I say at the end that PDF documents do not meet this test. The government puts out a lot of their information via PDF. Screen readers simply cannot read a PDF document. Because they have not adjusted to this, the government is setting up a barrier by using PDFs because the screen readers can't read a PDF document. That's how simple, that's how basic this amendment is.

I want to be really clear. This is also what disability advocates from the province are asking for. It's a very simple thing. David Lepofsky from the AODA Alliance says that he has had a chance to review these amendments—we did some consultation; I know that you did some consultation as well. He says:

“Several amendments propose to require an organization to post a notice on the organization's website, in order to ensure that the notice is accessible to people with disabilities. However, this summary does not show that the amendments require that the website itself be accessible, and that the notice be posted in an accessible format. Too many organizations, including the ... government itself, have failed to ensure full accessibility of their websites. Moreover, the timelines for website accessibility are too long, while exceptions and exemptions are too broad.”

I bring that quote to your attention because as this committee travelled around the province, we heard that those with disabilities, citizens in this province of Ontario, feel in many respects that their rights as citizens are compromised because there are barriers that are set up.

This is a barrier that can easily be accomplished through this committee. Because this motion has been ruled in order, the government is in a position to indicate to the disability advocates from across the province that they are going to make sure that those citizens have access to information through a very simple measure.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: Again, we support this amendment because, as previously stated on the ones that have

been approved, this would ensure that documents required by the disabled are indeed able to be accessed by those who are disabled. So we fully support this.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: I think we share and we support the policy intent of what the member is trying to do, but again, there is a process in place to make sure that issues such as these can be looked at and can be addressed.

I'm just going to reiterate that the AODA requires that standards are reviewed every five years by a standards development committee. The committee has to be comprised of a range of individuals, but it's required that it include persons with disabilities or their representatives. There's an opportunity through that process to be thorough, to be exhaustive, to be up-to-date, and also to be consistent across government in how we ensure accessibility. That process will be under way in the coming year, so that will be an opportunity for this to be addressed in a thorough, consistent manner across government. That's why we share the desire from a policy perspective for what the member's trying to do, but again, I think it's something that is best handled through the existing mechanism, which is that every-five-years review mandated under the AODA.

1450

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett.

Mr. Toby Barrett: I appreciate a bit more information on the technology, and I have, as I mentioned, seen some of it at W. Ross Macdonald, the school for the blind in Brantford. I've looked at the equipment. I didn't really understand how it worked and didn't get to use it. My wife and I—this was several years ago—were sitting within the student body when two fellows from the Lions Club came in with this new, computerized equipment. They were the giants in the room. The kids get it. They know that Lions International, the local Lions and the sight program that they have—they can raise money and they can get this into the school just like that. There's no five-year plan, there's no waiting or deliberating.

I'm not up on the technology. The computerized technology is a godsend, it truly is. It obviously is moving so quickly and I am assuming the cost-effectiveness is there. I'm a Progressive Conservative. I'm not one to support something that I thought was going to cost the government or the taxpayer an arm or a leg. But just what little I know about it—my son is a graduate of the school for the blind. With this computerized technology, the Lions Clubs have obviously bought into this 100%. I'm just hoping we can move this forward a bit, because, like I say, it's just astounding, the technological advances and, as a result, the lowering in any cost involved.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: Just to be clear, there's no cost. It's just a shift in policy, that the government not post important pieces of legislation in PDF form, so that those at home who are trying to access the information can use those screen text readers.

There may be people who don't have that technology. People obviously should have it. But for the member

opposite to say that they agree with the intent is quite frustrating. If you go back to 2007, the Liberals then promised that the government would review all of Ontario's laws for accessibility barriers. This is 2016; it's nine years later. And this included the 750 statutes and a number of regulations. Nine years later, the government has only reviewed 51 of the 750 Ontario statutes. I don't think the citizens of this province who can't read through PDF form should have to wait for the AODA review to say to the government, "You should have been doing this back in 2007." We could do this now. It's a simple amendment that the government can support.

The Chair (Mr. Peter Z. Milczyn): Thank you. If there's no further discussion, shall this amendment carry? All in favour? Opposed? The amendment is not carried.

Schedule 10, section 4: There are no amendments tabled to that. Is there any discussion? No? Then shall schedule 10, section 4, be carried? All in favour? Opposed? That carries.

Shall schedule 10 be carried? Is there any discussion? No? Shall schedule 10 carry? All in favour? Opposed? That is carried.

On schedule 11, there are two sections, 1 and 2. There are no amendments tabled to that. Is there any discussion? No? Then shall schedule 11, sections 1 and 2, carry? All in favour? Opposed? Those are carried.

Shall schedule 11 carry? All in favour? Opposed? That is carried.

Schedule 12: There are no amendments tabled for sections 1 through 6, inclusive. Is there any discussion on those sections? No? Shall schedule 12, sections 1 through 6, inclusive, be carried? All in favour? Opposed? They are carried.

There is an amendment proposed to the next section.

Mr. Toby Barrett: Yes, Chair, we have it on page 11.

The Chair (Mr. Peter Z. Milczyn): Yes, Mr. Barrett.

Mr. Toby Barrett: If the committee could turn to page 11.

The Chair (Mr. Peter Z. Milczyn): Motion number 11.

Mr. Toby Barrett: I move that section 189.1 of the Highway Traffic Act, as set out in section 7 of schedule 12 to the bill, be amended by adding the following subsection:

"Fees

"(4) Despite anything in this act, the Lieutenant Governor in Council shall not make regulations prescribing fees for the issuance, validation and replacement of permits and number plates with respect to a road-building machine if the fees exceed the fees that would be payable for that purpose with respect to the machine if it were a motor vehicle, other than a road-building machine."

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: Basically, this amendment would mean that the government could not charge road-building machines an additional fee to be licensed, considering that they already now have a licence. This is creating two licence fees for road-building machinery. If I were crass, I would call it a tax grab because that's really what it is.

Many of those road-building machines are owned by municipalities. We've heard, through our Association of Municipalities of Ontario meetings, that municipalities are cash-strapped. This is just an extra tax on a municipality.

In addition, many of the road-building machines are owned by private contractors. Of course, those construction companies will end up passing that tax on to municipalities. Again, it's a circle. It will be taking away much-needed dollars from municipalities, who are supposed to be using that money for infrastructure.

These vehicles should pay a standard licensing fee like everyone else. If we have a secondary fee, a tax, that will only eventually be passed on to the consumer.

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese.

Mrs. Laura Albanese: Yes. I would like to say, first of all, that there are no plate or permit fees for road-building machines, because they do not have the same plate and permit requirements as a commercial motor vehicle.

The purpose of schedule 12 of the budget bill is to allow the reclassification of certain types of road-building machines, also known as RBMs, into the commercial motor vehicle class. Road-building machines do not require vehicle permits or number plates, and therefore any vehicle in the RBM class is not subject to plate or permit fees.

The wording of the proposed amendment results in the amendment applying only to vehicles that will remain classified as RBMs, not to former RBMs that will now get reclassified into the commercial motor vehicle class. Because the amendment prohibits us from increasing plate and permit fees for RBMs when they are not subject to those fees in the first place, the amendment really has no effect.

The government has not announced any intention to require the road-building machines to obtain permits or plates, so no permit or plate fees of any kind are being considered for these vehicles.

In the 2014 budget, the government announced that it would be delivering on its commitment to develop a refined definition for road-building machines, in order to ensure that all truck-like vehicles operating on Ontario's highways have the same safety requirements and oversight. By enacting a new definition for this class of vehicle, we will be better able to differentiate between the traditional, typically slow-moving RBMs that are purpose-built to perform a specific function from those vehicles—we would be able to distinguish them from those vehicles that are operating at highway speeds and that are not often used for actual road-building functions.

1500

The wording of the proposed amendment results in the amendment applying, again, only to vehicles that will remain classified as road-building machines and not to former road-building machines. The government, I reiterate, has not announced—it has no intention—to require that RBMs obtain permits or plates. No permit or plate fees of any kind are being considered for these vehicles.

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett.

Mr. Toby Barrett: A point of clarification: A road-building machine—I mean, I think they call them the goat's feet, the big drum with the goat's feet? They're like goat's feet that compress Tarvia, and there's usually two big rubber tires on the back. But you sure couldn't drive it down the highway. They're transported on a licensed trailer, a float. Or I think of the traditional—what are they called? The big steel drums, two big steel drums. What's that called? A compact—

Mr. Victor Fedeli: A steamroller.

Mr. Toby Barrett: Like a steamroller? Yeah. I don't think they use steam anymore. Maybe they do up north; I'm not sure. But again, you wouldn't drive it down the road to get it to a job site; it's on a licensed trailer. Is that what we're talking about?

Certainly a road grader, say, for the gravel roads down my way—they go up and down the highway with the blade up or down, but they don't have licence plates, as I recall.

Do we have any details on what we're talking about with these?

Mrs. Laura Albanese: Those don't at the moment have—again, they have no plates, so they are not subject to any plate or permit fees.

Mr. Toby Barrett: So the change here would classify them differently or put plates on them?

Mrs. Laura Albanese: I think the ones that are being rolled—it's a change in classification. The ones that will be rolled into the different classification, into the commercial motor vehicle class, are the ones that are faster, that can acquire higher speeds and go on a highway. Therefore, they would have a permit or a plate, but the slow ones would not.

That's my understanding. I'm not an expert on it, but that's my understanding from the briefing that we received.

Mr. Toby Barrett: On occasion I've seen, say, a John Deere tractor used in connection with construction. This is a construction version; they're yellow, not green, and they have rubber tires so that they can go down the road and oftentimes on the side of the road. They don't have plates.

I do worry about where this is heading. I would not want to see licence plates on tractors, even though tractors do use roads on occasion to get from one farm to another.

Mrs. Laura Albanese: Well, that's exactly it. There's no intention to go in that direction.

Mr. Toby Barrett: So it would cover, say, a CAT or a John Deere backhoe, or a CASE backhoe, those yellow ones with a bucket on the front and a hook for the bucket on the back? They can go down the road, but then they—

Mrs. Laura Albanese: We can get the specifics. I don't have them on me right now, but we can get those specifics from the ministry.

Mr. Toby Barrett: Sorry, I just wanted to express—

Mrs. Laura Albanese: Yes, it is a good question, and I understand why you would like the clarification.

Mr. Toby Barrett: Yes. I just want to express my concern if it sets any precedent. I do put tractors on the road, but I do not put licence plates on them. Sometimes the public asks about that: "How come there's no licence plate?" On behalf of agribusiness, we don't want to go down that road.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: To be clear, this Highway Traffic Act amendment is to be able to change the definition. It says here, "The definition of 'road-building machine' in subsection 1(1) ... is re-enacted. The current definition sets out a number of types of vehicle that are road-building machines (for example, asphalt spreaders and compactors). The new definition permits the regulations to prescribe classes of vehicles." That's what we're getting at. When these vehicles are then reclassified, this will be an opportunity for a new type of plate to go on, and a tax. That's the concern, to be clear.

The Chair (Mr. Peter Z. Milczyn): Further discussion? No? Then, on the amendment, all those in favour? Opposed? That does not carry.

Shall schedule 12, section 7, carry? All those in favour? Opposed? That is carried.

There are no amendments tabled for schedule 12, sections 8 through 11, inclusive, so I'll call those for a vote. Shall schedule 12, sections 8 through 11, inclusive, be carried? All in favour? Opposed? Those are carried.

On schedule 12, is there any further discussion? No? Then shall schedule 12 be carried? All in favour? Opposed? That is carried.

On to schedule 13: There are no amendments tabled for schedule 13, sections 1 through 3, inclusive. Is there any discussion? No? Then shall schedule 13, sections 1 through 3, be carried? All in favour? Opposed? They are carried.

Now we have motion number 12 from the NDP. Ms. Fife?

Ms. Catherine Fife: I move that schedule 13 to the bill be amended by adding the following section:

"3.1 The act is amended by adding the following section:

"Accessibility of public documents

"13.(1) All documents available on a website for the information and use of the public under this act, including information directives and forms, must be available in a format that can be made accessible by any person and, as a minimum requirement, in a format that can be read by a screen text reader or can be modified by any person so that it can be read by a screen text reader.

"PDF documents

"(2) For greater certainty, a document in a portable document format does not satisfy subsection (1)."

The Chair (Mr. Peter Z. Milczyn): This motion is deemed to be in order, so it can be debated.

Ms. Catherine Fife: We have already extensively debated this. If I haven't been able to make the case for education or for victims of crime, I don't know how I possibly could make the case for the Homemakers and Nurses Services Act. It's a very simple accommodation,

as I've already stated. Actually, it should be something that the government is already currently doing so that every citizen has access to the information of the government that they elected.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Baker.

Mr. Yvan Baker: Just as before, we understand the policy intent and we're supportive of that. We just think this isn't the right mechanism to achieve that.

The Chair (Mr. Peter Z. Milczyn): No further discussion? Shall this amendment be carried? All in favour? Opposed? That does not carry.

On schedule 13, section 4, we have two amendments tabled. The first one: motion number 13. Mr. Fedeli?

Mr. Victor Fedeli: I move that section 4 of schedule 13 to the bill be struck out and the following substituted:

"Commencement

"4. This schedule comes into force on the day that the Minister of Health and Long-Term Care publishes a notice in the Ontario Gazette giving at least 30 days advance notice of any increase in the deductible amount for the purposes of section 20.2 of Ontario regulation 201/96 (General) made under the Ontario Drug Benefit Act."

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli, I think you just read motion number 14.

Mr. Victor Fedeli: Oh, I didn't think we were doing 13.

The Chair (Mr. Peter Z. Milczyn): Yes, 13 comes before 14.

Mr. Victor Fedeli: I thought you were going to—okay. Thank you. Let me—

The Chair (Mr. Peter Z. Milczyn): You can choose not to move it.

1510

Mr. Victor Fedeli: No, let me go ahead.

I move that section 4 of schedule 13 to the bill be struck out and the following substituted:

"Commencement

"4. This schedule comes into force on the day that the Minister of Health and Long-Term Care publishes a notice in the Ontario Gazette confirming that, for the purposes of section 20.2 of Ontario regulation 201/96 (General) made under the Ontario Drug Benefit Act,

"(a) the deductible amount shall not exceed \$100 for any fiscal period; and

"(b) the maximum co-payment that may be charged in respect of the supply of a listed drug product for an eligible person during a fiscal period shall not exceed \$6.11."

The Chair (Mr. Peter Z. Milczyn): Committee members, an amendment intended to alter the commencement clause of a bill making it conditional is out of order since it exceeds the scope of the bill and attempts to introduce a new question into it. Therefore, I rule this motion out of order.

I look to the Clerk. Can we deem motion number 14 to have been read?

Interjection.

The Chair (Mr. Peter Z. Milczyn): No? Do it again if you wish to table it.

Mr. Victor Fedeli: Thank you, which is why I jumped to 14 in the first place, understanding that you would be ruling that out of order, so I will go to number 14.

I move that section 4 of schedule 13 to the bill be struck out and the following substituted:

“Commencement

“4. This schedule comes into force on the day that the Minister of Health and Long-Term Care publishes a notice in the Ontario Gazette giving at least 30 days advance notice of any increase in the deductible amount for the purposes of section 20.2 of Ontario regulation 201/96 (General) made under the Ontario Drug Benefit Act.”

The Chair (Mr. Peter Z. Milczyn): Committee members, an amendment intended to alter the commencement clause of a bill making it conditional is out of order since it exceeds the scope of the bill and attempts to introduce a new question into it and, therefore, I rule that amendment out of order.

Is there any further discussion on schedule 13, section 4? No? Then, shall schedule 13, section 4, be carried? All in favour? Opposed? That is carried.

Now on schedule 13, is there any further discussion? No? Shall schedule 13 be carried? All in favour? Opposed? That is carried.

Schedule 14: There are no amendments tabled to this tiny section of the schedule. Is there any discussion on schedule 14, sections 1 through 4, inclusive? No? Shall schedule 14, sections 1 through 4, inclusive, be carried? All in favour? Opposed? They're carried.

On schedule 14, is there any discussion? No? Shall schedule 14 be carried? All in favour? Opposed? That is carried.

Schedule 15: There are two sections and there are no amendments tabled. Is there any discussion on schedule 15, sections 1 and 2? Seeing none, shall schedule 15, sections 1 and 2, be carried? All in favour? Opposed? They're carried.

On schedule 15, is there any discussion? Seeing none, shall schedule 15 be carried? All in favour? Opposed? That is carried.

Schedule 16: There are no amendments tabled to the sections in this schedule. Is there any discussion on schedule 16, sections 1 through 4, inclusive? Seeing none, shall schedule 16, sections 1 through 4, inclusive, be carried? All in favour? Opposed? They are carried.

Ms. Fife, you've tabled notice on schedule 16?

Ms. Catherine Fife: We'll be voting down this entire schedule because, once again, it allows the Minister of Finance to determine the tax refund percentage for vacant and excess commercial and industrial property instead of municipalities. We would encourage other members to do the same.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Ms. Albanese.

Mrs. Laura Albanese: Yes, thank you. This amendment is connected to the one that we discussed in schedule 5. It would authorize regulations allowing for a different tax reduction than is currently set out in the act for commercial and industrial land in the vacant and excess land subclasses.

We'll be voting against this amendment because it would force the city of Toronto to continue to apply the rules—

Mr. Victor Fedeli: This is not an amendment, Chair. Point of order.

Mrs. Laura Albanese: Sorry, yes, you're right. It is not an amendment.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli, point of order.

Mr. Victor Fedeli: I was going to say that we're not voting on an amendment.

The Chair (Mr. Peter Z. Milczyn): No, it's the schedule.

Mrs. Laura Albanese: It's the schedule, sorry.

Mr. Victor Fedeli: But you said you're voting against it.

Mrs. Laura Albanese: Yes, I apologize.

Mr. Victor Fedeli: No, no. Are you voting against it? Is this what I understand?

Mr. Yvan Baker: We're posting a notice.

Mrs. Laura Albanese: We're posting a notice, yes.

Mr. Victor Fedeli: Oh, you're posting a notice.

Mrs. Laura Albanese: Yes, because it would force the city of Toronto to continue to apply the current rules in the act relating to tax reductions on vacant and excess land and rebates for vacant units, precluding greater flexibility in these areas, which is something that was requested by the city of Toronto.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: We believe strongly that municipalities should have control over their financing tools. It should not be left up to this government to decide what's best for them. As I said already, I think that this is precedent-setting. We won't be supporting this schedule.

Mr. Peter Z. Milczyn: Mrs. Albanese.

Mrs. Laura Albanese: Chair, again, as I previously stated this morning, this change is to allow the municipalities the greater flexibility that they've asked for. The intent is to facilitate the work of the municipality and certainly not to impose anything on them.

The Chair (Mr. Peter Z. Milczyn): No further discussion?

Shall schedule 16 be carried? All in favour? Opposed? It is carried.

Schedule 17: There are no amendments tabled to schedule 17, section 1. Is there any discussion? No? Shall schedule 17, section 1, be carried? All in favour? Opposed? That is carried.

Ms. Fife, you have motion number 15 for a new section, 1.1.

Ms. Catherine Fife: I move that schedule 17 to the bill be amended by adding the following section:

“1.1 The act is amended by adding the following section:

“Accessibility of public documents

“25.1(1) All documents made available to the public on the Internet under sections 24 and 25 and any other documents made available to the public on the Internet, including information directives and forms, must be available in a format that can be made accessible by any person and, as a minimum requirement, in a format that can be read by a screen text reader or can be modified by any person so that it can be read by a screen text reader.

“PDF documents

“(2) For greater certainty, a document in portable document format does not satisfy subsection (1).”

The Chair (Mr. Peter Z. Milczyn): This motion is deemed to be in order, so it can be debated.

Ms. Catherine Fife: I really don't even know what to say anymore. I've used every argument. I've made every possible case that I can around accessibility, trying to hold the government accountable even under their own AOD Act. I've asked for the AOD Act to be more accessible.

It must be partisan politics. Is it just because we brought it forward? Because there is no good reason that the government would not post documents, legislation and forms in a readable format for people who are visually impaired. It makes no sense to us. This is an opportunity for the government to show leadership on disability issues.

This is the eighth time that I've argued it and I have three more times to do so. I'll try to come up with another creative alternative, I guess.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

1520

Mr. Yvan Baker: I appreciate that you've done it eight times. I think that, each time, it doesn't change merits of the arguments that we're making. The argument is the same as I made before. Again, the policy intent: I'm supportive and I understand, but what we're debating is not the policy intent, which is what you're spending a lot of time talking about; what we're talking about is whether or not this is the right approach to addressing that policy intent. What I'm saying is that I don't believe that it is. There's a review process, it includes the appropriate people and stakeholders, and it allows the government to be flexible and to implement changes that are consistent across government. So what we're really debating is the mechanism; we're not debating the policy intent. That's the first thing I want to clarify.

The other thing I would clarify is that the information and communication standard under the AODA does not specify specific formats or software, like those offered by Microsoft or Adobe. Instead, it requires organizations, upon request, to provide accessible formats in a timely manner that takes into account the person's accessibility needs due to disability and to consult with them. It doesn't say that one format is more or less accessible than another, but instead enables flexibility in format depending on the needs of the person with the disability.

What is considered accessible for a person is dependent on what that person requires.

The current regulation is set up in such a way that it be flexible and adaptive to people's needs. That's the way it's currently set up. But again, that could be reviewed, and it's part of this ongoing review that's the purpose of that ongoing review which is required by the AODA as well. I think what we're debating is not the policy intent; what we're debating is: What's the right mechanism to consider such a change and implement such a change? What I'm saying is that the review, which includes the appropriate stakeholders, we believe is the right way to approach something like this.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: The Chair of this committee has ruled this motion in order. You make the point, Mr. Baker, that accessibility needs to be flexible. The government needs the flexibility on this. We are arguing that there shouldn't be flexibility in making legislation or making anything that comes from this government accessible. You've left the door open since 2007. You mentioned “in a timely manner.” Nine years is a long time to wait for making documents accessible. Nine years is not timely. It isn't.

I can only quote Mr. Lepofsky from the AODA alliance. He says that, as it relates to the 11 schedules that we've brought to this committee, “a number of these proposed amendments appear to be helpful though manifestly modest in scope. They show how spelling out disability, accessibility and accommodation measures explicitly in legislation can help ensure that progress on accessibility is made. Most of the people who will use these laws are not lawyers and will not consult lawyers. Without clear direction in the legislation on steps for effective accessibility and accommodation, those steps will often not be taken and they are not being taken by your government.” It should be against the law to not make legislation accessible to people in the province of Ontario.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: I think maybe you didn't hear me properly or maybe I need to be clearer. But you've completely misassigned my statement about a timely manner and what I meant by that and what I was talking about. You've talked about some broader issue. What I'm talking about here, and I'll repeat what I said, word for word, is that where a timely manner fits in is that the information and communication standard under the AODA does not specify a specific format or software, such as PDF or Microsoft, etc. Instead it requires an organization, upon request, to provide accessible formats in a timely manner that takes into account the person's accessibility needs due to disability and to consult with them. That's the current approach. That's the current regulation. So when I'm talking about a timely manner, what I mean is that people can make a request and there's an obligation to provide that information in an accessible manner that works for that particular individual. That's the goal. Right now, the current standard is designed to

be flexible and responsive to the needs of a particular individual.

In addition to that, there's a separate issue around flexibility, which is around how these standards, how that regulation I just described, is reviewed and developed. There's a process to review that on an ongoing basis, and that allows it to be flexible as well. I just wanted to clarify that.

The Chair (Mr. Peter Z. Milczyn): Thank you. Ms. Fife.

Ms. Catherine Fife: As a rebuttal, perhaps you didn't understand me. What I'm saying is that the government should be leading on accessibility issues. This motion is in order. We could lead right here and right now. That's what I'm saying.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: I understand, but just because it's in order doesn't mean that it's the right approach. I'm not debating whether it's in order. What I'm saying to you is that there is a current approach that is meant to deal with this type of situation. We've got a mandated approach to make sure that we are constantly reviewing practices and regulations to make sure that they remain flexible. That's what I wanted to share with you. I'll leave it at that.

Ms. Catherine Fife: Just to be clear, the wrong approach is making a promise in the 2007 election that you are going to review all 750 statutes and only reviewing 51 nine years later. That's the wrong approach.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker. I feel like I'm at a tennis game.

Mr. Yvan Baker: That's a completely separate matter, which is not being addressed by this amendment. We are debating the amendment that you have brought forward. The amendment you brought forward doesn't address what you just talked about. The amendment you brought forward addresses a very specific issue and we are debating that specific issue.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: That comment is exactly the problem because I shouldn't have to bring forward this amendment, Mr. Baker. Neither one of us was here in 2007 when the government made this promise, but if the government had done their due diligence, I wouldn't have to read this amendment just to make legislation visually accessible for people with disabilities. That is the context, but I understand that you will not be supporting this amendment.

The Chair (Mr. Peter Z. Milczyn): Further discussion on the amendment? All those in favour? Opposed? The amendment does not carry.

Schedule 17, section 2: There is no amendment tabled to this section. Is there any discussion? No? Then on schedule 17, section 2, shall it carry? All in favour? Opposed? That is carried.

Ms. Fife, your motion number 16 for a new section 2.1.

Ms. Catherine Fife: I move that schedule 19—no. Am I on the wrong one?

The Chair (Mr. Peter Z. Milczyn): Motion 16. I think you have skipped ahead to something.

Ms. Catherine Fife: I move that schedule 17 to the bill be amended by adding the following section:

"2.1 The act is amended by adding the following section:

"Accessibility of public documents

"55(1) All documents available on a website for the information and use of the public under this act, including information directives and forms, must be available in a format that can be made accessible by any person and, as a minimum requirement, in a format that can be read by a screen text reader or can be modified by any person so that it can be read by a screen text reader.

"PDF documents

"(2) For greater certainty, a document in portable document format does not satisfy subsection (1)."

The Chair (Mr. Peter Z. Milczyn): It is deemed to be in order.

Ms. Catherine Fife: It's in order, yes. I think that we have just had a pretty fulsome debate on this. I understand the government will not be supporting this. I would just like to reiterate that I think that it's a missed opportunity to show leadership on accessibility issues.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli?

Mr. Victor Fedeli: We will be supporting this amendment.

I had occasion to go up to Cobalt a short while ago and visit with somebody who is quite seriously visually impaired and has one of those screen readers. I have seen them in use. It was a tremendous tool. Knowing that the PDFs are not accessible on that screen reader really would take away the opportunity from those disabled who are specifically the ones who should be able to utilize that particular tool. Again, to the NDP, we will definitely be fully supporting this.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker?

Mr. Yvan Baker: I just wanted to elaborate—I hear what Mr. Fedeli is saying—on the existing regulations that are in place. The standard doesn't say that one format is more accessible than another but, instead, it enables flexibility, as I said earlier, in a format depending on the needs of the person. What is considered accessible for a person is dependent on what that person requires. For example, PDF might be perfectly accessible for someone with low vision, whereas Word might be the preferred format for a person whose screen reader can't read PDFs, and people who don't prefer screen readers may prefer non-electronic Braille documents. Additionally, accessibility often depends on the way information is structured in a document.

Again, I'm just trying to explain why the existing regulations are the way they are; they're designed to provide a certain amount of flexibility. That doesn't mean they can't be reviewed. Like I said earlier, that review is pending this year, I think in September.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: Well, based on that explanation, the question is, as it pertains right now to this amendment

that's on the floor—this is the 10th time it's been on the floor—can you explain why the government cannot then follow the overarching goals of the AODA and at least not post legislation, directives and forms in a PDF model?

My point is that we shouldn't even be having this debate right now in 2016. For you to explain that that's just the way it is right now, and the AODA is going to review it—I'm sorry to say this, but we just do not have a lot of confidence in the AODA and the government reviewing, when you've only reviewed 51 statutes out of 750 in the last nine years.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker and then Ms. Wong.

Mr. Yvan Baker: As I tried to explain earlier—and maybe I wasn't clear—they can. It's not a can-or-can't issue. Like I said earlier, the current regulation allows for flexibility to post in the format that's most appropriate to the person who requests a particular format. People can request different formats according to their needs. That's why the current regulation is the way it is. I'm just clarifying that point.

The Chair (Mr. Peter Z. Milczyn): Ms. Wong.

Ms. Soo Wong: Mr. Chair, I'm going to ask for a recess for 10 minutes, please.

The Chair (Mr. Peter Z. Milczyn): Is there agreement for a 10-minute recess? I don't see any—

Mr. Victor Fedeli: Can we do it in 10 minutes?

Ms. Soo Wong: No less than 10.

Mr. Victor Fedeli: No, no, I mean can we take the recess in 10 minutes, as opposed to right this second?

Ms. Soo Wong: I want a recess now.

The Chair (Mr. Peter Z. Milczyn): The request is to have the recess now. Is there agreement?

Mr. Victor Fedeli: When we come back, I will be asking for a recess. I would like to be out at 3:45 for a few minutes.

Ms. Soo Wong: How long do you need, Mr. Fedeli? Then we can just combine the two. That way, we don't come back for two minutes and that kind of stuff. How long do you need?

Mr. Victor Fedeli: Five minutes, I think.

Ms. Soo Wong: Okay, so let's make it 15. Would you like that?

The Chair (Mr. Peter Z. Milczyn): Just a moment—

Ms. Soo Wong: Okay, because I'm asking for 10, Mr. Fedeli—

The Chair (Mr. Peter Z. Milczyn): Do you want a 20-minute recess then? That would almost take us there.

Ms. Catherine Fife: We're just in the middle of a debate though, right? We haven't voted on this amendment.

The Chair (Mr. Peter Z. Milczyn): Members may ask for a recess at any time, except during the middle of a vote. We're not in a vote; we're still debating.

Ms. Soo Wong: So I'm just asking, Mr. Chair, through you, to Mr. Fedeli, how much time does he need. Then we can then combine my 10 minutes and whatever he needs.

The Chair (Mr. Peter Z. Milczyn): A 20-minute recess? So we'll recess for 20 minutes.

The committee recessed from 1533 to 1557.

The Chair (Mr. Peter Z. Milczyn): The committee is back in session.

Before we recessed, we were debating NDP motion number 16. Is there any further debate? Mr. Baker.

Mr. Yvan Baker: I just wanted to add to the thoughts that I've shared over the course of the afternoon as we have been talking about this. The first thing I'll say is that, under the existing regulation that is already in place under the information and communication standards under the AODA, again, it doesn't specify specific formats or software such as Microsoft or Adobe or PDF, but it does require organizations, upon request, to provide accessible formats in a timely manner that takes into account a person's accessibility needs due to disability and to consult with them. This enables flexibility in format depending on what the needs are of the person with the disability. Of course, what is considered accessible for one person may be different for another person. For example, Adobe Reader PDFs might be perfectly accessible for someone with low vision whereas Word might be the preferred format for a person whose screen reader can't read PDFs. Persons who don't prefer screen readers may prefer non-electronic Braille documents, etc. Additionally, accessibility often depends on the way information is structured in a document.

The current regulation also refers to WCAG 2.0, which is an international standard for the accessibility of web-based content. I think that's important to note, and that's, again, in section 14 of the existing reg. The current process that the government has in place under the AODA grants the government regulation-setting authority to address these kinds of issues. These standards are reviewed every five years by a standards development committee required by the AODA. Half of the people on this committee are persons with disabilities.

The NDP amendment, first of all, doesn't belong in legislation; this is something that belongs in regulation. At best, it would be a Band-Aid. Also, I don't think we should presuppose the outcome of a review done by the standards development committee, which, again, is composed of persons with disabilities. They are the folks, I think, who are best equipped to consult and advise and address these standards and develop these standards, not those of us sitting here as MPPs without consultation from them.

The Chair (Mr. Peter Z. Milczyn): Thank you. Further debate? Ms. Fife.

Ms. Catherine Fife: It took you 20 minutes to go away and come back and say that? That doesn't undo the fact that 10 amendments have been brought forward all day long. I think one of them was ruled out of—

Mrs. Laura Albanese: Catherine, come on.

Ms. Catherine Fife: Excuse me—one of them was ruled out of order.

David Lepofsky, who is the AODA leadership in this province and who is consistently pushing the envelope

and challenging the status quo for this government, said, "A number of these proposed amendments appear to be helpful, though manifestly modest in scope. They show how spelling out disability accessibility and accommodation measures explicitly in legislation can help ensure that progress on accessibility is made. Most of the people who will use these laws are not lawyers and will not consult lawyers."

For the government to say that this committee is in place and they're going to do their due diligence—what we are saying, and why this amendment was ruled in order, is that we are the legislators. We have an opportunity to show leadership. Thus far, we have waited nine years for this government to only review 51 of the 750 Ontario statutes as it relates to accessibility.

I have tried all day to make the case for a small—this is so small. I think that's what's so frustrating for me. When I started at the beginning of the day, I thought this government might actually recognize that all I'm asking—there's no cost to it. I'm just asking that the government make a commitment in legislation to communicate in a way that those with visual impairment can actually read and decipher what this government is trying to share via communication. That's all that we have been trying to do all day long.

The Chair (Mr. Peter Z. Milczyn): Further debate? Mr. Baker.

Mr. Yvan Baker: The only thing I'll add to what I just said is that the government has made a commitment in legislation, in the AODA, to review these regulations with the input of a committee, 50% of whom are persons with disabilities, who can best advise on the best approach to use to ensure that the changes made are not band-aid solutions and that they apply across government and that they are appropriate and address the needs of persons with disabilities. I don't think we should presuppose the outcome of those discussions.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife?

Ms. Catherine Fife: We're not presupposing anything. The government and the committee have all the information they need.

David Lepofsky from the AODA Alliance goes on to say, "It is also abundantly clear that these 11"—I've only addressed 11 in Bill 173—"laws are not the only ones among the 51 high-impact statutes, that have accessibility issues requiring legislative amendments. The government's review appears to have been quite inadequate, if these are the only statutes that the government thinks require legislative amendments to address accessibility issues."

Honestly, I don't know what else to say. I've tried everything today to try to get this small measure passed through this budget measures act.

The Chair (Mr. Peter Z. Milczyn): Further debate? Seeing none, shall this amendment be carried? All in favour? Opposed? It's not carried.

Schedule 17, section 3: There is no amendment tabled for this. Is there any discussion? Then shall schedule 17, section 3, be carried? All in favour? Opposed? That is carried.

Shall schedule 17 be carried? All those in favour? Opposed? That is carried.

Schedule 18: There are two sections, 1 and 2. There are no amendments tabled. Is there any discussion on these sections? No? Then shall schedule 18, sections 1 and 2, be carried? All in favour? Opposed? These sections are carried.

On schedule 18, is there any discussion? Shall schedule 18 be carried? All in favour? Opposed? Schedule 18 is carried.

Schedule 19, section 1: There is no amendment tabled for this. Is there any discussion? No? Shall schedule 19, section 1, be carried? All in favour? Opposed? It is carried.

Motion number 17 to add a new section 1.1: Ms. Fife.

Ms. Catherine Fife: I move that schedule 19 to the bill be amended by adding the following section:

"1.1 The act is amended by adding the following section:

"Accessibility of public documents

"19(1) All documents available on a website for the information and use of the public under this act, including information directives and forms, must be available in a format that can be made accessible by any person and, as a minimum requirement, in a format that can be read by a screen text reader or can be modified by any person so that it can be read by a screen text reader.

"PDF documents

"(2) For greater certainty, a document in portable document format does not satisfy subsection (1)."

The Chair (Mr. Peter Z. Milczyn): This amendment is deemed to be in order.

Ms. Catherine Fife: That's great.

We've had as fulsome a debate as I think I've ever had at this finance committee. Honestly, I don't know what else to say except that, again, it's a missed opportunity to make a small amendment to ensure that Ontario citizens have equal access to information through this legislation.

The Chair (Mr. Peter Z. Milczyn): Further debate? No? Shall this amendment be carried? All in favour? Opposed? The amendment does not carry.

Schedule 19, section 2: There is no amendment tabled. Is there any discussion? Shall schedule 19, section 2, be carried? All in favour? Opposed? It is carried.

Schedule 19: Is there any further debate? Shall schedule 19 be carried? All in favour? Opposed? Schedule 19 is carried.

Schedule 20: There is an amendment tabled to section 1. Mr. Fedeli, motion number 18—Mr. Barrett.

Mr. Toby Barrett: It's a PC motion on page 18.

I move that section 1 of schedule 20 to the bill be amended by adding the following subsection:

"Restriction

"(3) Despite subsection (1) and any other act, the Lieutenant Governor in Council does not have the authority to borrow any sums as described in that subsection if, for the purposes of section 20.2 of Ontario regulation 201/96 (General) made under the Ontario Drug Benefit Act,

“(a) the deductible amount exceeds \$100 for any fiscal period; or

“(b) the maximum co-payment that may be charged in respect of the supply of a listed drug product for an eligible person during a fiscal period exceeds \$6.11.”

The Chair (Mr. Peter Z. Milczyn): Committee members, I am ruling this amendment out of order as it is, in my opinion, beyond the scope of the bill.

On schedule 20, section 1, is there any further discussion? No? Shall schedule 20, section 1, be carried? All in favour? Opposed? It is carried.

There are no amendments tabled to sexual—schedule 20—

Laughter.

Ms. Catherine Fife: Are you just trying to spice up this committee?

The Chair (Mr. Peter Z. Milczyn): Just trying to make things a little bit more interesting in the middle of the afternoon.

Schedule 20, sections 2 through 4: Is there any discussion? No? Then shall schedule 20, sections 2 through 4, inclusive, be carried? All in favour? Opposed? They are carried.

On schedule 20, is there any discussion? Shall schedule 20 be carried? All in favour? Opposed? It's carried.

Schedule 21: There are no amendments tabled to this schedule. We have sections 1 and 2. Is there any discussion? Shall schedule 21, sections 1 and 2, be carried? All in favour? Opposed? They're carried.

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On schedule 21, is there any discussion? No? Shall schedule 21 be carried? All in favour? Opposed? Schedule 21 is carried.

Schedule 22: We have sections 1 through 5. There are no amendments tabled. Is there any discussion? No? Then shall schedule 22, sections 1 through 5, inclusive, be carried? All in favour? Opposed? These sections are carried.

Ms. Fife, you gave notice on schedule 22.

Ms. Catherine Fife: Yes. New Democrats recommend voting against schedule 22. We cannot support a schedule that expands the number of pension plans where members and retired members of a pension plan cannot establish an advisory committee through regulations. We see it as punitive.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? Ms. Albanese.

Mrs. Laura Albanese: The amendments in section 2 of schedule 22 would enable regulations to be made to set out transition rules for existing pension plan advisory committees and to set additional criteria for exemptions from the requirements of section 24 of the act. This could help prevent administrative duplication, where, for instance, a pension plan already provides for member representation in its governance structure.

The rest of the schedule 22 amendments are of a legislative housekeeping nature. So voting against schedule 22 would prevent individuals from consolidating their pension benefits in accordance with the previously

agreed-upon time frames. It would also create some confusion regarding existing pension plan advisory committees and dismiss an opportunity to reduce red tape in connection with pension plan administration.

The purpose is to streamline access to an administration of income-based benefit programs and obtain data for outcome-based policy analysis and planning.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? Seeing none, shall schedule 22 be carried? All in favour? Opposed? The schedule is carried.

Schedule 23: No amendments are tabled. On sections 1 through 6, is there any discussion? Seeing none, shall schedule 23, sections 1 through 6, inclusive, be carried? All in favour? Opposed? These sections are carried.

Ms. Fife, you gave notice on schedule 23.

Ms. Catherine Fife: Yes. The pooled registered pension plans, as proposed, have significantly expensive administration fees that end up benefitting the insurance companies and the banks more than the retirees. There are actually many examples—BC, by way of an example.

New Democrats oppose the Liberals' legislation to implement what we view as very similar to the former federal government-style PRPPs. We obviously believe that Ontarians deserve to retire with dignity, but we want the pension plans to benefit the most people possible. That's why, in 2010, we introduced a motion to expand a provincial pension plan. At the time, this government voted it down.

The crafting of the PRPPs that this government has moved forward with causes us a lot of concern, especially around the increased bureaucracy, the administration fees and where the money is actually going to be going. For us, it's a matter of confidence in the way that this government is crafting PRPPs.

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese?

Mrs. Laura Albanese: In the interests of harmonization, a multilateral PRPP agreement is currently being negotiated among Canadian jurisdictions. The intention is that each respective jurisdiction's PRPP legislation, in conjunction with the multilateral agreement, will create a framework for the operation of PRPPs across Canada.

The amendments proposed in the schedule, including the repeal of some amendments to the Pension Benefits Act which are not yet in force, would support this modernization. The notice would prevent Ontario from being able to fully benefit from the multilateral agreement and the coordinated and streamlined administration of PRPPs across the country, which would create economies of scale, minimize the cost and support the part of the workforce that is mobile.

As you know, Chair, we are committed to implementing a bold strategy for Ontario's retirement income security. In the 2014 budget and fall economic statement, we stated that the government's intention is to move forward with a PRPP framework that would be broadly consistent with the model introduced at the federal level and adopted by various provinces. Last year, our government passed legislation to implement the PRPPs in the province, consistent with this commitment. But as a

voluntary retirement savings vehicle, the government's preferred approach is that PRPPs would not be considered a comparable workplace pension plan in the context of the new Ontario Retirement Pension Plan. Individuals enrolled in a PRPP would therefore not be exempt from participating in the ORPP. That's how we're trying to deal with that.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Shall schedule 23 be carried? All in favour? Opposed? That is carried.

Schedule 24, section 1: There is no amendment tabled. Is there any discussion? No? Shall schedule 24, section 1, be carried? All in favour? Opposed? That is carried.

Ms. Fife: Motion 19, to create a new section, 1.1.

Ms. Catherine Fife: I move that schedule 24 to the bill be amended by adding the following section:

"1.1 The act is amended by adding the following section:

"Accessibility of public documents

"45.(1) All documents available on a website for the information and use of the public under this act, including information directives and forms, must be available in a format that can be made accessible by any person and, as a minimum requirement, in a format that can be read by a screen text reader or can be modified by any person so that it can be read by a screen text reader.

"PDF documents

"(2) For greater certainty, a document in portable document format does not satisfy subsection (1)."

The Chair (Mr. Peter Z. Milczyn): It is in order, so please proceed.

Ms. Catherine Fife: I'm almost out of words on this. We have moved this amendment—I think that this is the 11th time now. We've made the case around accessibility. We've given the context as to why we think it's so important to bring this forward. I've gone through the context and the history of the AOD Act and referenced why there is a hash tag out there called #aodafails. I think that this is a basic right and that it's our job to try to make it right at this committee.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Baker.

Mr. Yvan Baker: I agree that we've debated this quite a bit, so I won't go into all the detail of the past, but I will just say that there is a current regulation in place that's designed to be flexible to the needs of persons with disabilities. It requires that information be provided in the format that's appropriate to those persons with disabilities at their request and it's going to conform with international standards that are used in many countries around the world.

The current process of the AODA requires the government to undertake a review. That review is done by a standards development committee and half that committee is composed of persons with disabilities.

First of all, this type of amendment doesn't belong in legislation, in our view; it belongs in regulation. It's something that's developed post that review, or based on

that standards development committee review. We don't want to presuppose the outcome of that review. We believe that the people involved in that review are the ones who are best equipped to recommend and put forward changes that would be appropriate to achieve the policy outcome that's being discussed here.

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The Chair (Mr. Peter Z. Milczyn): Thank you. Ms. Fife.

Ms. Catherine Fife: That essentially is the problem here. Mr. Baker says that there is a current regulation in place. That current regulation is not being upheld. There are inconsistencies in practices around accessibility by the government, and as I've argued all day, I think the government should be leading at this.

The second piece is that Mr. Baker referenced that some accessibility measures can be put in place at the request of an individual. Why should anybody in the province of Ontario have to request that the law be upheld, as it's in regulation? There should be no room for flexibility on accessibility. This is 2016 and we know better. As I said, this was a long-standing promise from this government back from 2007. Accessibility standards should not be optional, especially for the government.

We have heard from businesses across the province that are struggling to meet the cost. When the AODA first came out, school boards, municipalities and private companies expressed concerns about the cost of it, but they've now recognized that it's in their interests to make their businesses more accessible. To be inclusive is to be smart in the province of Ontario.

All I'm asking through this amendment is that the government doesn't post their information on PDF forms so that a screen text reader can actually access it.

We are clearly not going to agree on this, but it seems like such a small hill to fight about when, as you point out, there's a current regulation in place that's not being upheld.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: A couple of points. One is Ms. Fife said it was optional. It's not optional. Again, under the AODA, there's a regulation, and what that regulation does is it requires that information be provided in the format that is most appropriate to the individual who is requesting it. The reason that's done upon request is to ensure that it conforms to the needs of the person with the disability. What's accessible for a person is dependent on what that person requires. PDFs may be perfectly accessible for someone with low vision, whereas the Word format might be preferred for a person whose screen reader can't read PDFs, and people who don't prefer screen readers may prefer non-electronic Braille documents etc.

Again, it's designed to be flexible. Flexibility doesn't mean optionality; flexible doesn't mean optional. It's not optional. This is a regulation under the AODA. It's a requirement. But the requirement is flexible to conform to the needs of individual people with disabilities, who may have varying needs.

Now, that said, what we're saying here is that there is a review that's mandated under the AODA. It's actually happening this year, I believe in September if I'm not mistaken, and that review includes the appropriate people who can really inform us on what appropriate changes, if any, should be made to this. I wouldn't want to presuppose that outcome. I think the government needs to hear from those people.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: Just a point of clarification: If the government is not posting their legislation, their forms, their documents, their directives in an accessible format, which they are not, then clearly somebody in the government currently thinks that posting information in an accessible format is flexible, it's optional, what have you. So it is not being enforced because it is not in the law. If we put it in the law today, then we wouldn't have this discussion. We wouldn't have this debate.

It's true that the committee is going to be reviewing these practices. I'm sure that this committee will likely come back and say, "This should have been done back in 2007 when the government originally made the commitment to review the 750 statutes." That's the point. All day, you have been arguing with me, and you've been saying that you share my concerns and that you agree with this policy. But clearly in practice, your government does not, because they're not even following their own regulations. That's just the fact; that's the fact right now.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: One is that I haven't been briefed or shown evidence to support that assertion. That's the first point. You haven't provided that evidence here to the committee.

The second part is around enforcement. You've raised the issue of enforcement. Your motion does not address enforcement issues. Whether it's in legislation or in regulation, it doesn't address the enforcement issue that you're raising. That's the second thing.

The third thing is that you've raised this issue of the many statutes for review. Again, your motion doesn't address that, either.

To me, those points aren't relevant to the motion that has been presented, and I think that I've presented the arguments as to why we believe the motion should be defeated, and that we should allow the standards review committee to do their work.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: Mr. Baker, I should not even have to bring this amendment here. I shouldn't have to bring an amendment that asks the government to enforce their own laws. But the advocates from across the province, including the AODA, have pointed out a weakness in the way that the government is communicating with people in the province who are visually affected. They have asked us to bring forward these 11 recommendations because they did not have access. They couldn't access this information as it was presented. If you do not have all of the citizens in the province able to participate in the democracy, then the democracy is compromised.

So I'm not going to get into the fact that my amendments don't have enforcement. My point to you is that I shouldn't have to bring forward an amendment asking for enforcement.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: The amendment doesn't ask for enforcement, first of all—

Ms. Catherine Fife: No, the—

Mr. Yvan Baker: Excuse me, I have the floor.

The second thing is that I applaud the intent of what you're trying to do. All we're saying is that there's a mechanism in place for that to be done. It's being undertaken this year. It's consulting with the appropriate people, and 50% of the panel is composed of persons with a range of disabilities to ensure that it's a comprehensive approach and it's thoughtful.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: Chair, it's borderline patronizing to say that you applaud our efforts. That's not why we're here. We're here to see if we can make this piece of legislation, in this particular schedule, as in the other 10 or 11 schedules that we've tried—this is in the Public Hospitals Act—just to ensure that people have access to information.

For the life of me, I do not understand why the government has dug in their heels on this. It's an indefensible position that you have taken around accessibility.

The Chair (Mr. Peter Z. Milczyn): Any further debate? Seeing none, on the amendment: All those in favour? Opposed? It does not carry.

Schedule 24, section 2: There is no amendment tabled. Is there any discussion? Shall schedule 24, section 2, be carried? All in favour? Opposed? It is carried.

On schedule 24, is there any further discussion? Shall schedule 24 be carried? All in favour? Opposed? It is carried.

Schedule 25, sections 1 through 4: There are no amendments tabled. Is there any discussion? Shall schedule 25, sections 1 through 4, inclusive, be carried? All in favour? Opposed? They're carried.

Ms. Fife, you have an amendment to introduce: a new section, 4.1.

Ms. Catherine Fife: I move that schedule 25 to the bill be amended by adding the following section:

"4.1 The act is amended by adding the following section:

“Accessibility of public documents

“35.(1) All documents available on a website for the information and use of the public under this act, including information directives and forms, must be available in a format that can be made accessible by any person and, as a minimum requirement, in a format that can be read by a screen text reader or can be modified by any person so that it can be read by a screen text reader.

“PDF documents

“(2) For greater certainty, a document in portable document format does not satisfy subsection (1).”

The Chair (Mr. Peter Z. Milczyn): Ms. Fife, proceed.

Ms. Catherine Fife: This is the same motion that I have brought forward now 10 times, but it pertains to the Public Vehicles Act. One would think that the government would like those who are seeking information about public vehicles to be able to access that information.

1630

The Chair (Mr. Peter Z. Milczyn): Further discussion? No? On the amendment, shall the amendment be carried? All in favour? Opposed? The amendment does not carry.

Schedule 25, section 5: There is no amendment tabled. Is there any discussion? Shall schedule 25, section 5, be carried? All in favour? Opposed? It is carried.

On schedule 25, is there any further discussion? Shall schedule 25 be carried? All in favour? Opposed? Carried.

On schedule 26, we have sections 1 through 6. There are no amendments tabled. Is there any discussion? Seeing none, shall schedule 26, sections 1 through 6, inclusive, be carried? All in favour? Opposed? They are carried.

Schedule 26: Is there any further discussion? Shall schedule 26 be carried? All in favour? Opposed? Carried.

Schedule 27: On sections 1 through 5, there are no amendments tabled. Is there any discussion? Seeing none, shall schedule 27, sections 1 through 5, inclusive, be carried? All in favour? Opposed? They are carried.

Ms. Fife, there is an amendment to create a new section 5.1, page 21.

Ms. Catherine Fife: I move that schedule 27 to the bill be amended by adding the following section:

“5.1 The act is amended by adding the following section:

“Accessibility of public documents

“90.1(1) All documents available on a website for the information and use of the public under this act, including information directives and forms, must be available in a format that can be made accessible by any person and, as a minimum requirement, in a format that can be read by a screen text reader or can be modified by any person so that it can be read by a screen text reader.

“PDF documents

“(2) For greater certainty, a document in portable document format does not satisfy subsection (1).”

The Chair (Mr. Peter Z. Milczyn): The amendment is in order, so please proceed.

Ms. Catherine Fife: Finally, this amendment just ensures that all documents on websites be in an accessible format for all Ontarians. At minimum, it must be in a format that can be read by the screen text reader.

I've gone through what a screen text reader is and why the format needs to be put forward—so that the screen text reader can actually translate the information, so the information can be seen by those who are visually impaired.

I think that David Lepofsky and the AODA Alliance have done a very good job of bringing forward the 11 amendments to us and asking us to bring them to this committee. It is clear that there are more barriers that need to be addressed in the 11 laws that the government

has decided to amend or to not amend, but we definitely tried to make the case today to include some accommodations so that people could have access to documents that the government puts out.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: As this is, I think, the last of your dozen attempts, I just want to acknowledge that the PCs will indeed be supporting this again, as we supported the last almost-dozen.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: This is the 12th or one of many amendments that are similar. Our rationale as a government I've put forward in the debate around the previous 11 amendments, so I won't repeat my arguments here.

The Chair (Mr. Peter Z. Milczyn): Further debate? Seeing none, on the amendment, shall the amendment be carried? All in favour? Opposed? It is not carried.

Schedule 27, section 6: There is no amendment tabled. Is there any discussion? Shall schedule 27, section 6, be carried? All in favour? Opposed? Carried.

On schedule 27, any further debate? Shall schedule 27 be carried? All in favour? Opposed? It is carried.

On schedule 28, there are no amendments tabled for sections 1 through 20, inclusive.

Interjection.

The Chair (Mr. Peter Z. Milczyn): There is a notice on section 3 to start with.

On schedule 28, sections 1 and 2, is there any discussion? Seeing none, shall schedule 28, sections 1 and 2, be carried? All in favour? Opposed? They are carried.

Mr. Fedeli, you gave notice on schedule 28, section 3?

Mr. Victor Fedeli: Thank you, Chair and committee. The PCs will be opposing section 3 as this section raises the minimum tax levels in 2016. Thus, we will be voting against it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Ms. Albanese?

Mrs. Laura Albanese: I just wanted to say that the purpose of this schedule is to reduce the ability of high-income earners to reduce or eliminate their taxes payable through the use of tax planning and concessions. This is to prevent an individual from using the dividend tax credit or foreign tax credit to reduce his or her minimum tax for taxation years ending after December 31, 2015. This is part of a group of amendments that include section 8 of the schedule, which would enact this to be possible. Voting down section 3 and the related amendments would result in an individual continuing to be able to use the dividend tax credit and foreign tax credit to reduce his or her minimum tax.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Then shall schedule 28, section 3, be carried? All in favour? Opposed? That is carried.

Mr. Fedeli, you've given notice on schedule 28, section 4?

Mr. Victor Fedeli: Thank you, Chair. On section 4, this section eliminates the income-splitting relief for certain classes of families. Therefore, we will be voting against this.

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese?

Mrs. Laura Albanese: Yes, I would just like to specify that the purpose of the tax on split income is to discourage parents from reducing their taxes by re-directing certain types of income, such as dividends and shareholder benefits, to their children. Section 4 is part of a group of amendments, as I mentioned earlier, that is designed to impose the Ontario top marginal tax rate to split income for taxation years ending after December 31, 2015.

In this year's budget, the 2016 budget, the government announced its intention to parallel the federal approach to taxing split income by applying the top marginal tax rate to split income. That's just an explanation as to what we're doing there.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Shall schedule 28, section 4, carry? All in favour? Opposed? It's carried.

Schedule 28, section 5: Mr. Fedeli gave notice.

Mr. Victor Fedeli: Thank you. On section 5, again, this section eliminates income-splitting tax relief for certain classes of families, and thus, we will be voting against this.

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese?

Mrs. Laura Albanese: This is part of the same group of amendments to impose the Ontario top marginal rate to split income. All I'll say is that the government is committed to tax fairness. When everyone pays their fair share of taxes, the programs that matter most to Ontarians are supported.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Shall schedule 28, section 5, be carried? All in favour? Opposed? It's carried.

1640

Schedule 28, section 6: Is there any discussion? Shall schedule 28, section 6, be carried? All in favour? Opposed? It's carried.

Schedule 28, section 7: Mr. Fedeli, you gave notice.

Mr. Victor Fedeli: Again, this section enables the elimination of income-splitting tax relief for certain classes of families. Thus, we will be voting against it.

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese.

Mrs. Laura Albanese: This is part of the same group of amendments that we have spoken of earlier. I guess my only comment would be that this would mean a loss of revenue to the province from high-income earners, and it would create inequality with tax payments.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: I can't let that door open and not walk into that opportunity. If it wasn't for the government's waste, mismanagement and scandals, they wouldn't need the extra revenue. Thank you, Chair.

The Chair (Mr. Peter Z. Milczyn): Any further discussion?

Mrs. Laura Albanese: I'm not going to walk in that door.

The Chair (Mr. Peter Z. Milczyn): On schedule 28, section 7, shall it be carried? All in favour? Opposed? That is carried.

On schedule 28, sections 8 through 13, inclusive, is there any discussion? Seeing none, shall schedule 28, sections 8 through 13, inclusive, be carried? All in favour? Opposed? They are carried.

Schedule 28, section 14: Ms. Fife, you gave notice.

Ms. Catherine Fife: This is an interesting change that the government came forward with. It has to do with reducing the Ontario Research and Development Tax Credit. The government has cut funding because—I'm quoting from the budget—"business spending on R&D in Ontario has declined over the last decade and continues to lag the United States as a share of the economy." That's from page 333 of the budget.

We just had OBIO here last night. They did the rounds, and they visited with all party members. They were really clear. These are the health sciences researchers and investment companies that are looking to make a difference on the health care file through innovation and research.

I was genuinely surprised that there was a reduction in the Research and Development Tax Credit. Also, what we heard yesterday is that the rationale for making the cut doesn't make sense either. You don't reduce a tax credit that's actually incentivizing some funding and then say, "Well, we're doing it because people aren't investing in Ontario." This is exactly the wrong message that you're sending out to those companies. The government talks a lot about innovation. It says it wants to partner with the private sector. The private sector wants to partner on research and development and innovation in the province of Ontario, but they want to know what that level playing field would look like. Right now, it looks like a reduction in the tax credit, which will further compromise investment in innovation and research. Cutting the tax credit is a move in the wrong direction. We should be encouraging innovation, not discouraging it.

Last night, when OBIO came here, we heard first-hand how these investments and this research, when it's fully commercialized, are actually making a huge difference to the quality of health care but also potentially saving money. We all know that the health care file is a growing budget line, and innovation and research make a huge difference in that.

That's where we are around the Research and Development Tax Credit.

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese.

Mrs. Laura Albanese: Yes. I would like to say that the member opposite is right. We did say that despite generous government support of \$400 million annually through the tax system, business spending on R&D in Ontario has declined over the last decade and does continue to lag behind the United States and other knowledge-driven economies.

The province has decided to reinvest those savings from the proposed tax credit changes into new targeted investments across key sectors of Ontario's economy, and that includes, as stated in the budget, \$35 million over five years towards establishing the Advanced

Manufacturing Consortium, investing \$20 million over three years to partner with colleges to tackle industry challenges through innovation projects and investing \$50 million over five years in world-leading research at the Perimeter Institute. This is because, as a province, we need to sharpen our competitive edge. We have to try to invest in groundbreaking knowledge-based businesses that harness the skills of Ontarians.

The reductions in the R&D tax credits will allow the government to redirect its economic strategy and invest in policies that have great impact on innovation through the Business Growth Initiative. With this initiative, the government's strategy is to increase the province's global competitiveness and to try to fast-track Ontario's knowledge-based economy, tapping into creativity, education and the skills of the people.

Through the Business Growth Initiative, the province will commit \$400 million over the next five years to create a strong innovation-driven economy that will try to catapult and push Ontario's businesses forward and lower the cost of doing business by modernizing the regulations. So we're reinvesting that money, basically.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife, then Mr. Fedeli.

Ms. Catherine Fife: You can go ahead.

Mr. Victor Fedeli: I'll be very brief. This section eliminates tax credits, and therefore we will be voting against it.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: I understand what Ms. Albanese is saying around trying to drive the knowledge economy, but the reason that we support the tax credits is that it's incredibly accountable. It's an accountable way to measure the success of these initiatives. What we heard directly from the R&D companies last night is that they didn't get the tax credits until they showed results. That's why we like tax credits and that's why we favour tax credits.

There are some outstanding questions. The Auditor General came out and said that 80% of the grants that were re-distributed, for instance the Southwestern Ontario Development Fund—she said 80% of those grants were done without using a public process.

What I'm most concerned about and why we are not supporting this change is that, despite what the government says, the Auditor General identified a gap in the process. What I heard were questions about the Business Growth Initiative and how that money is going to be distributed. Will it be an open and transparent model?

We would argue that tax credits are an incredibly accountable, transparent way that citizens, when they do make an investment through this taxation structure, see direct results, because the companies don't get the tax credits unless they demonstrate success.

The Chair (Mr. Peter Z. Milczyn): Thank you.

On schedule 28, section 14, shall it be carried? All in favour? Opposed? Carried.

Schedule 28, section 15: Ms. Fife, you gave notice.

Ms. Catherine Fife: Thank you, I think.

Around this amendment, New Democrats cannot support an amendment that claws back the Ontario Research and Development Tax Credit. Again, the government has cut funding because business spending on R&D—I already gave this rationale. We think it's a move in the wrong direction. We should be encouraging innovation and not discouraging it. As I've already pointed out, we favour tax credits.

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese.

Mrs. Laura Albanese: I'll be brief as well. As I indicated earlier, despite the investment that the government did, business spending on R&D in Ontario had declined. So we're trying something different by re-investing the funds in new, targeted investments, because the business spending hasn't been there in the last decade—as high as we wanted it to be. So that's the reason.

The funding is still going to be available to businesses and we're still very much committed to trying to sharpen, as I said before, the competitive edge that we have in the province. It's just, I guess, a different economic policy, but still directed to businesses with the intent of growing our economy.

1650

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: Thank you, Chair. Now, you know you opened another door; I'll try not to kick it in too far. But I do agree that there has been lower business spending in the last decade. You can imagine why I believe that is true, but I'll leave that one alone for you.

We will oppose section 15 because this section enables the elimination of certain tax credits. Thank you, Chair.

The Chair (Mr. Peter Z. Milczyn): Thank you. No further discussion? Shall schedule 28, section 15, be carried? All in favour? Opposed? Carried.

Schedule 28, section 16: Ms. Fife, you gave notice.

Ms. Catherine Fife: I think it's from some of the—actually, did I? Where are we right now?

Mr. Victor Fedeli: Section 16.

Ms. Catherine Fife: Oh, 16. Sorry. I think I already gave my rationale for this, Chair.

The Chair (Mr. Peter Z. Milczyn): We're all good?

Shall schedule 28, section 16, be carried? All in favour? Opposed? That is carried.

Schedule 28, section 17: Ms. Fife, you gave notice.

Ms. Catherine Fife: On this section, in general, we have some issues with the way that the government is focusing on moving forward around the knowledge economy. This is a long-standing issue for us, and we would encourage not supporting this particular section.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: Chair, in general, for this entire schedule 28 and the various sections that we've been speaking about, when you take away these tax credits—those really are incentives to do things. When you look at upcoming ones here—I'll just put them all in one big grouping and, therefore, not have to speak individually about them—the Children's Activity Tax Credit—

Interjections.

Mr. Victor Fedeli: I'm going to speak about all the tax credits. I'll just get it out of the way, so I only have to speak once for 17, 18, 19 and 21.

The Ontario Children's Activity Tax Credit and the Healthy Homes Renovation Tax Credit—that is \$64 million that will be taken out of the economy. I remember the fanfare and the photo ops that the government held for this Healthy Homes Renovation Tax Credit. It was unbelievable. It was fabulous news. Lots of photo ops, lots of PR about it and then a quick cancellation of it.

The same thing goes with the children's activity tax credit. That's the one tax credit that families use so frequently, Chair. Whether it's—

Interjections.

Mr. Victor Fedeli: I know that it's hard to concentrate, but we'll get there. Whether it's kids' soccer, hockey or various things at the YMCA all of these healthy activities that kids are involved in, where parents have a tax credit to help them get through the costs, these are the very things that are the core of our society.

A healthy home tax credit is a beautiful opportunity for seniors to put a ramp in, widen the doorways, change the bathtub to make it accessible and all these kinds of things that are happening as our society is getting older—

Interjections.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli, I'm just going to interrupt you. If we could just have one conversation in the room at a time? Thank you.

Mr. Victor Fedeli: I appreciate that, Chair.

The tax credit structure: We don't pay for it until it's used. It's just an ideal opportunity for those who need it to use it.

For the government to try to balance the budget—\$64 million here, taken away from the children's activity tax credit and Healthy Homes Renovation Tax Credit—on the backs of kids and seniors I find heinous. So we will be voting against section 28. We will be opposing the upcoming sections 17, 18 and 19, for those very reasons, Chair. I thank you for the opportunity.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mrs. Laura Albanese: Yes. Going back to the innovation tax credit, I just wanted to point out that we're not getting rid of it. Yes, we are reducing it, but we're still keeping it. The Ontario Research and Development Tax Credit is going from 4.5% to 3.5%. It should largely affect large R&D spenders in Ontario, such as BlackBerry, Magna and IBM. The Ontario Innovation Tax Credit is going from 10% to 8% and will affect mostly Canadian-owned small and medium-sized businesses in Ontario. But we're still keeping it there.

So we're trying to reinvest that reduction and to redirect the strategy because, again, the uptake has been declining. We're just looking for a better strategy. I just want to make it clear: It's not that the government is getting rid of it; it is reducing it because we haven't had the results that we were hoping for.

I know that MPP Fedeli was mentioning also the children's tax credit. In regard to that, that credit was introduced to encourage and to help parents that cannot afford, maybe, the cost of enrolling their children in extracurricular activities, and it was designed as a refundable tax credit so that low-income individuals who pay little or no Ontario income tax could fully benefit from the credit. However, we've noticed that the credit has largely gone to higher-income families who are less likely to need the help. We're trying to redirect the focus to the most vulnerable and the ones that need it the most with other initiatives that we've taken in our budget.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: It's interesting that you went back to the reduction from 4.5% to 3.5%, and then also for innovation from 10% to 8%. On the surface, it doesn't look like a huge reduction, but, you know, what we learned yesterday is that that will have a negative impact on the matching funds that the federal government was also going to invest in those companies.

Sometimes when this government brings forward legislation there are these unintended consequences. Your finance people may have thought, "Oh, this is just a small reduction." On paper, the reduction on the innovation piece—with the passing of this bill, the maximum funding for businesses falls to \$240,000. That's a potential loss of \$60,000 per eligible corporation. Then you add onto it that, because the provincial government has reduced their tax credit and their innovation funding, that has a corresponding negative impact from a federal level as well.

I guess my point is that, by reducing tax credits, you're not going to inspire private investment in these R&D companies.

As I said as well, you've made the point that the money is going to go elsewhere; it's going to go to another fund. But this is the problem: There's a confidence issue in how the government distributes money. That's why we favour a very accountable way: a transparent, upfront tax credit. Companies understand that they have to deliver results before they get that tax credit, and that makes sense to us.

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese.

Mrs. Laura Albanese: I made the point earlier, and I'll make it again. I understand what the member is saying. At the same time, I would remind her that we are reinvesting the \$400 million in a new initiative: the Business Growth Initiative. This is targeted towards an innovation-driven economy, hoping that Ontario businesses will grow and be strong.

1700

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: Just so you know, I understand what you're saying, but this change will have a negative impact. Our companies in Ontario lose out on the federal matching dollars. That was something that I learned yesterday. Those companies asked me to bring that to this committee.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: Yes, I want to weigh in on that as well. When you talk about this new \$400-million program, undoubtedly it will be rolled out with great fanfare: “Look at us; we’re spending \$400 million on this,” and not reminding anybody that all the other programs were cancelled in order to pay for it.

Mrs. Laura Albanese: It’s not cancelled—reduced, not cancelled.

Mr. Victor Fedeli: The tax credits will be reduced. The point, Chair, is that we’ve seen this movie over and over. I’ve been here five years. I served two years as a mayor before that. I saw it then. They came out with the gas tax. It was a great announcement: “Every municipality that has transit will be getting this gas tax.” I remember sitting and asking, “Hang on a second. We have to use it for transit, so what about the transit money we’re already getting? Are we still going to get that?” “Oh, yes, don’t ever worry about that. Of course you’ll still get your transit money.” Two months later, after all the fanfare on the gas tax, they cancelled the transit money.

This is it in reverse. They’ll come out with this announcement that’s paid for partially by these programs that have been reduced. We’ve seen this movie over and over and, quite frankly, it’s just so frustrating that they’ll make these announcements and then it’s the little behind-the-scenes changes that we don’t ever hear about. That’s why the opposition is here today: to shine a light on the fact that there is a massive debt, and what you’re hearing today is exactly the reason how we got into that debt and how there’s no plan to ever, ever get us out of it.

The Chair (Mr. Peter Z. Milczyn): Ms. Albanese?

Mrs. Laura Albanese: I’ll just clarify that the tax credits are not being cancelled. They’re being reduced but not cancelled.

The Chair (Mr. Peter Z. Milczyn): No further discussion? Shall schedule 28, section 17, be carried? All in favour? Opposed? It’s carried.

Schedule 28, section 18: Ms. Fife, you gave notice.

Ms. Catherine Fife: The New Democratic Party recommends voting against section 18 of schedule 28. I think that we’ve been fairly vocal about why we share some concerns around the taxation changes as they’ve been crafted in this piece of legislation.

The Chair (Mr. Peter Z. Milczyn): No further discussion? Shall schedule 28, section 18, be carried? All in favour? Opposed? It’s carried.

Schedule 28, section 19: Ms. Fife, you gave notice.

Ms. Catherine Fife: Once again, Chair, I think that we’ve been very vocal about some of the changes that the government has been putting forward—everything from negatively impacting the child tax credit for businesses around children’s activities to the renovation tax credits. Just the general direction gives us cause for concern.

The Chair (Mr. Peter Z. Milczyn): Mr. Dong?

Mr. Han Dong: I wanted to briefly comment on this. It’s set out on pages 330 to 331 of the 2016 budget. The credit was introduced to help seniors living independently in their homes by increasing the affordability of renovations that improve safety and accessibility.

The credit has had significantly less take-up than projected, and it provides little support to low-income seniors. Under the proposed amendments, the credit would not be available—I just want to clarify this—for the tax years ending on or after January 2017.

Reviewing this low take-up of the tax credit, we felt that there were more effective ways to achieve our desired outcome of supporting seniors, including providing a 5% increase per year to 2017-18 to home and community-based care, and investing an additional \$10 million annually in Behavioural Supports Ontario.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: I would ask, then, is one of these methods of supporting seniors by doubling their drug benefit plan and adding a dollar to each prescription? That doesn’t sound like anything that’s supportive of seniors to me, and it was in the same budget. I’m quite surprised at that.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Victor Fedeli: Did you not understand the announcement? A “pause.” They’re pausing it.

Interjections.

The Chair (Mr. Peter Z. Milczyn): One person at a time. Mr. Fedeli, are you finished?

Mr. Victor Fedeli: I’m now finished, thank you.

The Chair (Mr. Peter Z. Milczyn): I recognize Mr. Baker.

Mr. Yvan Baker: In light of the recent news, I think it’s disingenuous to bring that forward in that way. The Premier reviewed the decision, and she has decided not to go ahead with what was in that budget.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: Well, thank you. You can announce here that you’re not going ahead with it; the announcement said it was “paused.” Certainly, it can be paused for the time we’re here to debate it. There’s no date—

Interjection.

Mr. Victor Fedeli: Again with the huff. I’m done.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: Thank you, Chair. It’s an interesting change, this elimination of the Healthy Homes Renovation Tax Credit, and I wasn’t going to go too much into it, but the premise that they are going to move the 5% out into the community when we do have seniors—the government didn’t do their due diligence on why seniors weren’t taking advantage of this home renovation tax credit.

When it was first rolled out by the government, it was shopped around as a good way to create local jobs, as a way to keep seniors in their homes. Seniors can’t get into community-based care because the wait-lists are so long. Clearly, there are seniors who are trying to make their homes more accessible, but after that initial sort of fanfare, there wasn’t really a lot of information. I know that seniors who have been in my office in Kitchener-Waterloo didn’t know about it.

I think there are seniors still out there who would want financial assistance to widen doorways and install stair-

lifts, for example, because they ultimately do want to stay in their home for as long as possible, but there are some other missing pieces to this equation for keeping seniors there, like home care and, obviously, financial assistance. We're opposing this drawback of the Healthy Homes Renovation Tax Credit.

The Chair (Mr. Peter Z. Milczyn): No further discussion? Shall schedule 28, section 19, be carried? All in favour? Opposed? It's carried.

Schedule 28, section 20: Is there any discussion? Seeing none, shall schedule 28, section 20, be carried? All in favour? Opposed? That is carried.

Motion number 22, to amend schedule 28, section 21: Mr. Barrett.

Mr. Toby Barrett: I move that subsection 21(1) of schedule 28 to the bill be struck out and the following substituted:

“Commencement

“(1) Subject to subsections (2) and (3), this schedule comes into force on the day that the government of Ontario publishes a notice in the Ontario Gazette confirming that it will ensure that the Financial Accountability Officer prepares a budget fairness survey annually on each anniversary of that day and promptly after that submits the survey to the Minister of Finance and tables it in the assembly. The survey shall examine who receives disbursements of money from the Consolidated Revenue Fund and for what purpose, using factors that the Financial Accountability Officer determines, such as race, gender, income inequality, and disability.”

The Chair (Mr. Peter Z. Milczyn): Committee members, an amendment intended to alter the commencement clause of the bill, making it conditional, is out of order since it exceeds the scope of the bill and attempts to introduce a new question into it. I therefore rule this motion out of order.

Mr. Victor Fedeli: Chair, is that section 21?

The Chair (Mr. Peter Z. Milczyn): Schedule 28, section 21, your motion number 22.

So is there any discussion on schedule 28, section 21? Seeing none, shall schedule 28—

Mr. Victor Fedeli: Yes, there is.

1710

The Chair (Mr. Peter Z. Milczyn): Yes, there is?

Mr. Victor Fedeli: Yes.

The Chair (Mr. Peter Z. Milczyn): All right. Mr. Fedeli.

Mr. Victor Fedeli: I'm trying to think of how I can refer to the amendment without amending anything.

It's hard to imagine that the Taxation Act changes would go ahead without published notification from the Financial Accountability Officer, who would prepare a budget fairness survey annually about the impact the budget has on various segments of society.

It will be difficult to support this section 21, because the Financial Accountability Officer would be able to give us an unvarnished synopsis without any partisan spin from any of our three parties—would be able to tell

us, for instance, which segments of the population are better off and which are worse off from the budget.

Thank you for the opportunity.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife.

Ms. Catherine Fife: If the intention of this amendment is to have the FAO look at the budget through a racialized or gendered lens—am I not in the right one?

The Chair (Mr. Peter Z. Milczyn): Ms. Fife, we're not debating the amendment.

Ms. Catherine Fife: We're not debating the amendment?

The Chair (Mr. Peter Z. Milczyn): It was ruled out of order. You can speak to schedule 28, section 21.

Ms. Catherine Fife: So I would say that schedule 28, section 21, is missing the opportunity to ensure that the Financial Accountability Officer has the ability to examine the budget through a racialized or gendered lens.

I'm not sure if you know this, but our member, Peggy Sattler, has been calling on the government to look at specific legislation and do some evaluation or some analysis to see how it affects certain populations of the province.

You'll be interested to know that this is an emerging trend in other governments across Canada and even the United States. If it had been incorporated into this particular schedule, then I think we would have been creating legislation that is stronger and more inclusive, with a focus on equity.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: I appreciate your comments, Catherine, because that's precisely the approach we were looking for in our amendment. Although the amendment isn't going to be discussed, I would hope that it would give the committee pause to consider this type of approach in the future. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. Further discussion? Mr. Barrett.

Mr. Toby Barrett: Yes, just discussion: We know the mandate of our relatively new Financial Accountability Officer is to provide independent analysis, by and large, with respect to financial issues that come up before this committee or come up in any budget.

So I'm unclear if the Financial Accountability Officer will be commenting on these deliberations anyway as a part of his mandate. I suppose it's up to him; I suppose this committee can request him to do that. I'm just unclear on the relationship between the Financial Accountability Officer and the work of this committee. Does he need an invitation?

The Chair (Mr. Peter Z. Milczyn): We certainly could invite the Financial Accountability Officer to the committee.

Mr. Victor Fedeli: Didn't we do that?

Interjection.

The Chair (Mr. Peter Z. Milczyn): The committee may invite the FAO to the committee, if the committee so decides.

Mr. Victor Fedeli: Just a question: Didn't we do that? Didn't we ask?

Ms. Soo Wong: There's a lunch.

Ms. Laura Albanese: There's a lunch.

Interjections.

Ms. Soo Wong: I already asked the Clerk to before I stepped down. We're going to do lunch with the guy.

The Chair (Mr. Peter Z. Milczyn): There is going to be an informal meeting. This bill, however, is time-allocated, so it's not going to be feasible to invite him before 4 p.m. tomorrow.

Mr. Victor Fedeli: I can't hear you, Chair. I'm sorry.

The Chair (Mr. Peter Z. Milczyn): I said there is an informal gathering that's going to be taking place. However, this bill is time-allocated, so it's not feasible to invite the FAO before 4 p.m. tomorrow to come to committee.

Mr. Victor Fedeli: I understand.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: I just wanted to respond briefly to some of the issues that have been raised. The opposition members have raised issues such as—they asked for the FAO. They've asked for additional consideration of issues such as the impact on race, gender, income inequality and disability.

Very frankly speaking, I think that's a lens that our Premier and this government already take. If you look through some of the issues we've discussed today, if you look through the track record of our Premier and this government, I think we have a very strong track record in that area. So, first of all, I don't think it's necessary, in light of that. That's something that's in the mandate of every government to do. I'm proud to be part of a government that does that every single day.

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett.

Mr. Toby Barrett: Of course, as we know, the Financial Accountability Officer serves the Ontario Legislature and serves the members of all three parties. Part of his mandate is cost-benefit analysis, for example, evaluation of not only those issues that have been mentioned here but so many other issues. He's not necessarily passing judgment on government. He's providing advice to all of us here in the Legislature. He works for us.

The Chair (Mr. Peter Z. Milczyn): Thank you. No further discussion?

On schedule 28, section 21, shall it be carried? All in favour? Opposed? It's carried.

Both the Progressive Conservatives and the New Democrats gave notice on schedule 28. Ms. Fife.

Ms. Catherine Fife: We will not be supporting this schedule, because it eliminates tax credits that are important for children and seniors. As well, it discourages firms from engaging in R&D and, as we learned, also has a negative impact, from a federal matching fund perspective. It almost felt, for me, when I was reading through this section of the bill, that it was somewhat haphazard. For those reasons, we will not be supporting this schedule.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: This schedule, as we've outlined, will eliminate tax credits and raise taxes on families and seniors. Therefore, we must vote against it.

The Chair (Mr. Peter Z. Milczyn): Mr. Dong.

Mr. Han Dong: I hear, loud and clear, from the opposition members on their opposition to this schedule. But even inside the House, or outside the House, we hear the constant plea that they want a government that runs—everyone wants the government to run even more efficiently. I think it's our job to look at all programs and services and make sure that we ask ourselves if it's effective, if it's efficient, if it's sustainable. We are constantly looking at new ways and smarter ways to do things, to improve outcomes and deliver best value for Ontarians.

For the record, I just want to point out that budget 2016 has no changes to HST, nor to personal income tax, nor to corporate income tax. But we recognize that there are some tax credits that are not working as well as expected. I'm citing the Healthy Homes Renovation Tax Credit for seniors. So we made some changes to make sure that we can find funding to provide a 5% increase per year to the 2017-18 home and community-based care, and also invest an additional \$10 million annually, as I said earlier, to Behavioural Supports Ontario.

I think we ought to challenge ourselves to find more efficient ways to manage taxpayers' dollars, and I think that this schedule does just that.

The Chair (Mr. Peter Z. Milczyn): Thank you. Further discussion?

Seeing none, shall schedule 28 be carried? All in favour? Opposed? It's carried.

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On schedule 29, there are no amendments tabled for sections 1 and 2. Is there any discussion? Seeing none, shall schedule 29, sections 1 and 2, be carried? All in favour? Opposed? Carried.

Mr. Fedeli, you gave notice on schedule 29?

Mr. Victor Fedeli: Yes. We recommend voting against schedule 29, Chair. This schedule will restrict the ability of a worker who works for the education ministry to collect their pension under the Ontario Teachers' Pension Plan and instead be forced into a separate public sector pension. The issue is that these workers may have been paying into the OTPP for years before taking the ministry job and will now be restricted from collecting their rightfully earned pension.

This is all because the Ministry of Education is concerned that the money they paid to the teachers' unions for the collective bargaining may be illegal because the Labour Relations Act says an employer cannot be directly involved in compensation. If this amendment passes, the ministry will be able to distance itself as a non-direct employer. But in doing so—in selfishly doing so—they're putting people's pensions at risk. Therefore, we'll be voting against this.

The Chair (Mr. Peter Z. Milczyn): Ms. Hoggarth?

Ms. Ann Hoggarth: I'm not yet a retired teacher; however, I do understand the Ontario Teachers' Pension Plan. Currently, the way that things work is, in particular, when retired teachers come back and do work as occasional teachers, they are allowed to do 50 days a year. If

they go over the 50 days a year, they must suspend their pension.

Unfortunately, we need to put this in place because there is a way around this. I don't think anyone wants retired teachers to come back full-time and be able to collect their pensions. That's what we're trying to do. We're trying to make sure—and the retired teachers that I know are fine with this. Most of them don't even do the 50 days. However, there are some who don't have full pensions who do. So what we want to do is make sure that what is currently in place is set so that no one can take advantage of that.

In no way are we trying to take anyone's pension away from them.

The Chair (Mr. Peter Z. Milczyn): Further discussion? No?

Shall schedule 29 be carried? All in favour? Opposed? That is carried.

Schedule 30, section 1: Mr. Fedeli, you have an amendment.

Mr. Toby Barrett: Thank you, Chair.

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett.

Mr. Toby Barrett: I move that subsection 2.0.1 of the Tobacco Tax Act, as set out in section 1 of schedule 30 to the bill, be amended by adding the following subsection:

“Designated purpose account

“(2) All revenue received from a tax payable under section 2 and amounts credited on account of interest of that revenue shall be maintained in a designated purpose account, as defined in the Financial Administration Act, and expenditures from the designated purpose account shall be used only for the purpose of enforcing the law with respect to tobacco sales in Ontario.”

The Chair (Mr. Peter Z. Milczyn): Committee members, in my opinion, the motion before the committee can be characterized as a money bill motion. Pursuant to standing order 57, any motion that proposes to direct the allocation of public funds shall be proposed only by a minister of the crown. I therefore rule this motion out of order.

We have schedule 30, section 1, before us. Is there any discussion? Mr. Fedeli.

Mr. Victor Fedeli: We will not be supporting this, Chair, because raising the price of tobacco will continue to drive more people to purchase contraband tobacco. That's a statistic that happens. We see it every time there's an increase in tobacco: All of the researchers track it and show that contraband tobacco increases.

I know that studies have been done in my own community in North Bay by other organizations that show that when the use of contraband tobacco goes up, it's found, generally, in the schoolyards. In the studies that have been done—sweeping up the cigarette butts and bringing them back to Toronto and doing an analysis; that's done annually—we see that over and over.

At the end of the day, Chair, this is just another method for the government to increase their tax revenue to help them balance a deficit that they brought on themselves. We won't be supporting them.

The Chair (Mr. Peter Z. Milczyn): Ms. Wong?

Ms. Soo Wong: As someone who has been a leader on the issue of anti-tobacco legislation and working with the cancer society, Ontario's Heart and Stroke Foundation, the Ontario Medical Association and the RNAO, every recognized health body in this province and across Canada is asking every level of government to increase taxation.

There is a strong correlation—based on data, based on evidence—that shows that when you increase the taxes, it will decrease the consumption and prevalence of use of tobacco among young people. For the members opposite to not understand evidence—there is extreme evidence nationally and internationally between increasing taxation for tobacco and less use of tobacco among young people.

The government is committed to a smoke-free Ontario, and the data has shown, since we took office in 2003, a continuing decline in consumption rates among young people. To argue that this is a tax grab, I totally disagree.

The other piece here is that the member also has to recognize that taxation is one piece. We also need to make sure that we have a comprehensive anti-tobacco strategy. Taxation is one piece to address tobacco use among young people.

You may not agree with us, but I can tell you right now that the evidence from the entire medical community supports this particular legislation.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli?

Mr. Victor Fedeli: Again, Chair, back in the day, when I served two terms as mayor, I can tell you that in the very first week, back in 2003, long before the province of Ontario ever got involved in smoke-free Ontario, myself and my community passed an anti-smoking policy in our community where you couldn't smoke in public places. I don't need a lecture from the member, because years ago, long before the Liberal Party was even thinking about putting in a Smoke-Free Ontario Act, we understood the way to do it was to restrict the smoking facilities as well. We take great, great pride in that.

What we do know is that, when you raise the price of tobacco, people automatically increase the use of contraband tobacco. That is an indisputable fact.

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett?

Mr. Toby Barrett: Much of my concern is enforcing the law—effective enforcement—and ensuring the regulatory processes are adhered to.

If you're going to talk money, it does save the government a considerable amount of money, something like \$8 billion a year collected across Canada in tobacco taxes. But what's important is that there is \$2 billion lost to organized groups that move contraband tobacco.

You're right: It's far beyond taxation. What's really important is that those groups that move contraband also move people, with respect to human trafficking; they move weapons and other drugs; and they launder money. So it's far beyond a taxation issue.

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I think the general public, in general, sees it as a nuisance at best, and maybe they aren't that concerned about government losing the tax revenue. But the point to be made is that they have to think about the organized groups that are involved, organized crime groups that are involved in moving high-powered weapons, hard drugs, designer drugs, stolen vehicles, other merchandise, lots of cash. It's not just cash; they also are involved in e-commerce, the use of Bitcoin, so many other very sophisticated ways of moving money, and the province of Ontario, and my riding in particular, is right in the heart of this.

I've mentioned this in the Legislature before. I get visits from documentary film crews from Costa Rica, from Mexico, from Guatemala, asking me why the province of Ontario would allow illegal tobacco to flood their countries. There was just—I guess it was a week ago Tuesday—the largest contraband tobacco raid in Canada, a raid through Sûreté du Québec. It involved at least one gentleman from Six Nations down in my area, and it involved South America and Europe.

I'm afraid we're at the centre of this. It's far beyond taxation. It doesn't help young people when they can purchase tobacco tax-free on what is normally a very high-tax item. You can't turn a blind eye to this.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? No? Then shall schedule 30, section 1, be carried? All in favour? Opposed? That is carried.

There are no amendments proposed for schedule 30, sections 2 through 5, inclusive. Is there any discussion? Seeing none, shall schedule 30, sections 2 through 5, inclusive, be carried? All in favour? Opposed? Those are carried.

Is there any further discussion on schedule 30? Seeing none, shall schedule 30 be carried? All in favour? Opposed? Carried.

Schedule 31: There are no amendments proposed here. There are two sections, 1 and 2. Is there any discussion on schedule 31, sections 1 and 2? Seeing none, shall schedule 31, sections 1 and 2, be carried? All in favour? Opposed? That is carried.

Is there any further discussion on schedule 31? Seeing none, shall schedule 31 be carried? All in favour? Opposed? Carried.

There are no amendments proposed for schedule 32. There are two sections, 1 and 2. Is there any discussion on sections 1 and 2? Seeing none, shall schedule 32, sections 1 and 2, be carried? All in favour? Opposed? They are carried.

Is there any discussion on schedule 32? Seeing none, shall schedule 32 be carried? All in favour? Opposed? Carried.

Schedule 33: There are no amendments proposed here. There are sections 1 through 9. Is there any discussion on schedule 33, sections 1 through 9, inclusive? Seeing none, shall schedule 32—schedule 33; I apologize. Schedule 33, sections 1 through 9, inclusive: Shall it be carried? All in favour? Opposed? Carried.

Is there any discussion on schedule 33? Seeing none, shall schedule 33 be carried? All in favour? Opposed? Carried.

Schedule 34: There are no amendments proposed here. There are two sections, 1 and 2. Is there any discussion on schedule 34, section 1 and 2? Seeing none, shall schedule 34, section 1 and 2, be carried? All in favour? Opposed? That is carried.

Is there any discussion on schedule 34? Seeing none, shall schedule 34 be carried? All in favour? Opposed? Carried.

That is the end of the schedules. We now return back to Bill 173. There are three sections.

Is there any discussion on section 1? Shall section 1 be carried? All in favour? Opposed? Carried.

Section 2: Is there any discussion? Seeing none, shall section 2 be carried? All in favour? Opposed? Carried.

On section 3, the short title, is there any discussion? Seeing none, shall section 3 carry? All in favour? Opposed? Carried.

Now, shall the title of the bill be carried? All in favour? Opposed? Carried.

Shall Bill 173 be carried? All in favour?

Mr. Victor Fedeli: Can we have a discussion?

The Chair (Mr. Peter Z. Milczyn): Certainly.

Mr. Victor Fedeli: This is the final bill, right? This is the final vote?

The Chair (Mr. Peter Z. Milczyn): Yes.

Mr. Victor Fedeli: We will not be supporting Bill 173 because it makes Ontario a more expensive place for the citizens to live.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Ms. Fife?

Ms. Catherine Fife: Thank you, Chair. I appreciate that it was a difficult day, but New Democrats will not be supporting this piece of legislation. We do not think that it meets the needs of the people of this province. Unfortunately, it was built on a flawed process, and so we think it's a flawed piece of legislation.

I do hope, genuinely so, that next year we have a process which allows for a true public consultation process. I think that it would benefit the committee as a whole if we follow through on the idea that every party has the ability to bring in an economic leader to do some analysis so that we have a truly informed discussion and debate about where the province is going. Perhaps that would shape the legislation in a very different way.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Baker?

Mr. Yvan Baker: I would just like to say that I'm proud of this budget. I think that this budget does a lot to strengthen our economy. There are tremendous investments in health care, something that I know all of us hear about from our constituents, whether it be in palliative care or community care or in hospital care.

We continue to invest in education, not only through the Ministry of Education, but in post-secondary education. There are many transformational elements to this budget, but obviously a big one is around the Ontario

Tuition Grant and providing greater access to tuition for young people, who are our future. So we're investing in our future. We're investing in innovation, as my colleague, Ms. Albanese, spoke about earlier.

Also, I can say that we're on the path to balance for 2017-18. We're ahead of pace for that. We're doing it in a very thoughtful way, using an evidence-based approach. My colleague Mr. Dong talked about some of the questions we're asking as we're going through the line items of the budget. We're going program by program through the budget, and doing it in a thoughtful, evidence-based way to make sure we're delivering the best possible outcomes at the lowest possible cost and delivering better value for the taxpayer dollar.

I think there's a lot to be proud of in this budget and I will be supporting it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, shall Bill 173 be carried?

Mr. Victor Fedeli: Can we have a recorded vote on this, please?

The Chair (Mr. Peter Z. Milczyn): Recorded vote.

Ayes

Albanese, Baker, Dong, Hoggarth, Wong.

Nays

Barrett, Fedeli, Fife.

The Chair (Mr. Peter Z. Milczyn): The bill is carried.

Shall I report the bill to the House? All in favour? Opposed? That is carried.

There being no further business, I want to thank members of the committee for their hard work today and for their support as well.

Mrs. Laura Albanese: If I may—

Mr. Victor Fedeli: I want to congratulate the Chairman for getting us out with four and a half minutes to spare, and we don't meet tomorrow.

Mrs. Laura Albanese: Yes, and if I may, Chair, I wanted to congratulate you as well on being appointed Chair of our committee. I also wanted to thank our former Chair, MPP Soo Wong, for all the work that she did while she served this committee.

The Chair (Mr. Peter Z. Milczyn): I have big pumps to fill.

Mr. Victor Fedeli: And she has many recipes for you.

The Chair (Mr. Peter Z. Milczyn): Yes.

Mr. Victor Fedeli: You know, there's a commitment from the Chair for baking.

The Chair (Mr. Peter Z. Milczyn): I will be baking soon.

Mr. Victor Fedeli: And chocolates.

The Chair (Mr. Peter Z. Milczyn): We are adjourned.

The committee adjourned at 1739.

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**Legislative Assembly
of Ontario**

First Session, 41st Parliament

**Official Report
of Debates
(Hansard)**

Thursday 21 April 2016

**Standing Committee on
Finance and Economic Affairs**

Committee business

Chair: Peter Z. Milczyn
Clerk: Eric Rennie

**Assemblée législative
de l'Ontario**

Première session, 41^e législature

**Journal
des débats
(Hansard)**

Jeudi 21 avril 2016

**Comité permanent des finances
et des affaires économiques**

Travaux du comité

Président : Peter Z. Milczyn
Greffier : Eric Rennie



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRSCOMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES

Thursday 21 April 2016

Jeudi 21 avril 2016

The committee met at 0901 in room 151.

COMMITTEE BUSINESS

The Chair (Mr. Peter Z. Milczyn): Good morning, everybody. I'd like to call the Standing Committee on Finance and Economic Affairs to order. We're here today to discuss how to proceed with Bill 181, An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts.

The floor is now open for motions. Ms. Hoggarth.

Ms. Ann Hoggarth: Good morning, everyone.

I move: (1) That the committee meet during its regularly scheduled times on Thursday, May 5, 2016, and Thursday, May 12, 2016, for the purpose of public hearings.

(2) That the Clerk of the Committee post information regarding public hearings on the Ontario parliamentary channel, the Legislative Assembly website, and on Canada NewsWire.

(3) That the deadline for requests to appear be 4 p.m. on Thursday, April 28, 2016.

(4) That the Clerk of the Committee provide a list of all interested persons to the subcommittee following the deadline for requests.

(5) That all witnesses be scheduled on a first-come, first-served basis.

(6) That all witnesses be offered 10 minutes for presentation and nine minutes for questions by committee members, evenly divided on a rotation by caucus.

(7) That the deadline for written submissions be 6 p.m. on Thursday, May 12, 2016.

(8) That amendments to Bill 181 be filed with the Clerk of the Committee by 6 p.m. on Friday, May 13, 2016.

(9) That the committee meet for clause-by-clause consideration of Bill 181 on Thursday, May 19, 2016, during its regularly scheduled meeting time.

Thank you, Chair.

The Chair (Mr. Peter Z. Milczyn): Is there any discussion on the motion? Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chair, I have some questions and concerns with the process that got us here. We have a system in this place that says that when a bill is ordered to a committee, that in fact the committee Chair calls a meeting of the subcommittee to decide on a report, as was just read into the record. Being appointed as the

subcommittee designate for the PC Party for this bill, I was waiting for that call so we could have a meeting to talk about how we're going to facilitate the public portion of the committee.

Then, this morning, I get an email that actually came from the House leader's office on the government side, which prepared this report, because the subcommittee has never met. The concern with that is—and it's not so much what's wrong or what's right in here—the government seems to be usurping the opposition's equal voice on the subcommittee to make the decision on what this should read.

For those people watching, there's only one place in the whole process where we, as a party, have the same say as the government side and as the third party. It's a three-way subcommittee, one member from each party to decide not the contents of the bill, not how we're going to vote on the concept of the bill, but how we're going to consult—

Ms. Daiene Vernile: Chair?

The Chair (Mr. Peter Z. Milczyn): Do you have a point of order?

Ms. Daiene Vernile: Yes, point of order.

Mr. Hardeman, I would wholly agree with you. We were going to meet—

The Chair (Mr. Peter Z. Milczyn): What is your point of order?

Ms. Daiene Vernile: The point of order is that he's making a point to which he may not have substantive information. Yesterday, we were to meet right after question period, and were ready to do so, to go over this in subcommittee, Mr. Hardeman, but the NDP member, Catherine Fife, did not show up.

The Chair (Mr. Peter Z. Milczyn): Ms. Vernile, state your point of order, not—it's not a matter of debate. I didn't hear a point of order there.

Mr. Hardeman, please continue.

Mr. Ernie Hardeman: I would just continue: I'm not suggesting that that didn't happen, but not being able to, at the last moment—the vote had just taken place. So not being able to get a subcommittee meeting that same day is not out of the ordinary. What is out of the ordinary—and the rules are quite clear that if you have a subcommittee meeting, you cannot have that meeting unless you have a member from every party there. That's to make sure that everybody has input, equal input, into how we run this place.

So when you take that away and say, “Oh, we couldn’t have a subcommittee meeting, so we will have the government take the initiative, and the government House leader will write the subcommittee report and present it to the committee the next day”—no one would believe that anyone made great efforts to find a way to have a subcommittee meeting and have it come to this committee as the report from the subcommittee so we could have this hearing. I take great exception—

Ms. Daiene Vernile: Point of order.

The Chair (Mr. Peter Z. Milczyn): Point of order: Ms. Vernile.

Ms. Daiene Vernile: You’re suggesting it was taken away; it was not taken away. It was scheduled; however, it did not occur because the NDP member, Catherine Fife, did not show up.

The Chair (Mr. Peter Z. Milczyn): No, Ms. Vernile, that’s not a point of order because the stated purpose of that subcommittee meeting was different. It was not meant to be for Bill 181.

Ms. Daiene Vernile: I’m just glad to get it on the record.

The Chair (Mr. Peter Z. Milczyn): That was not a point of order.

Mr. Percy Hatfield: Point of information, Chair?

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: Ms. Vernile has suggested that the meeting couldn’t happen because one of our members didn’t show up. One of our members wasn’t in the House at all yesterday, and was never notified, therefore, that there was a subcommittee meeting. Had that been the case, a substitute could have come. I was in the House yesterday; I was not informed. I am here today, and I could have filled in yesterday. That did not happen from the government side. So that’s balderdash, what they’re suggesting over there.

The Chair (Mr. Peter Z. Milczyn): Just to clarify, for all members, yesterday I called subcommittee meeting. I called it for a different purpose, not to review Bill 181’s organization. It was to have a discussion about our meeting with the FAO.

Ms. Daiene Vernile: Chair, did you inform Ms. Fife about the subcommittee meeting, though?

Mr. Percy Hatfield: Point of information, Chair? If I had been subbed in before, Ms. Fife would not have been notified; I would have been notified. I was not notified. That is balderdash over there. Can we get on with—

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Hatfield.

So, just to be clear, yesterday’s subcommittee meeting was called for one purpose, and that was to discuss the organization of a meeting with the FAO, not to discuss Bill 181. So all the discussion about whether we did or didn’t have a subcommittee meeting yesterday to discuss Bill 181 is moot, because there was no meeting called to discuss Bill 181 at a subcommittee yesterday.

Mr. Hardeman has the floor for his comments.

Mr. Ernie Hardeman: Going on with that, I understand the government’s comments about the subcom-

mittee, but the last explanation, in fact, makes the situation even worse.

As I mentioned, the subcommittee is meant so that for each party, the representative who has the responsibility, the carriage of the job that’s to be done—I’m representing the Conservative Party as we do the public review of this bill; Mr. Hatfield, of course, represents the third party; and I’m not sure who’s the point person on that for the subcommittee over there, but whoever that is—would be speaking for how we’re going to do the public consultation on this bill.

Now, we all know that the full committee members that are there all the time aren’t necessarily the point person for this bill. So because the vote was just yesterday, there was no opportunity for the Chair to call the subcommittee meeting for this purpose, because at that point the Chair would not have known who the point person would be for the other two parties. So not only was there no meeting held, it wasn’t even enough information for the Chair to have called a meeting. As you’ve explained, Mr. Chair, the meeting for this purpose didn’t happen.

0910

Having said that, I have two real concerns. One is that the main item of this bill, Bill 181, includes changing the way that municipalities can hold their elections. Now, this isn’t the first time that this issue has come before the Legislature. A couple of years ago, a private member had a bill to do just this. It went to committee, and when we got to committee, there was a great debate at the committee—I believe it was the agencies committee—about hearing that one ahead of some other ones. I had the privilege of chairing that meeting. There was great debate in the committee and, finally, the committee decided that an issue, such as the subcommittee’s work, should not be done in full committee; we should adjourn our proceedings and have the subcommittee come back with a recommendation as to how we should proceed with that. That’s exactly what happened.

I think that putting this before that, with absolutely no opportunity for the subcommittee to talk about how this consultation should take place—this is a fine report, if it had been written by a subcommittee. But it’s possible, Mr. Chair, that in fact, because it has such a great impact in the rural parts or the outer parts—away from Toronto, shall we say—of the province of Ontario, maybe we should have some meeting outside of this precinct. We have a week coming up in which we could actually do that.

I don’t know whether the House leader, in his internal office, discussed that issue or not, but if we’d had a subcommittee meeting, that might have come up during the meeting, as to what type of consultation we should be doing before we finish this. This here is written like it’s a closure motion from the Legislature, introduced by the House leader of the governing party. I believe that’s totally wrong.

Think back, folks, to this past week, the discussion we’ve had in the House about changing of election financing rules. We keep hearing from—

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman, try to stick to this motion.

Mr. Ernie Hardeman: It's directly to this, Mr. Chair. The discussion was about the Premier saying that the Legislature is set up in a democratic way, so people can be heard and the end result will be a democratic solution. If that's true, that set-up includes having a subcommittee meeting before this bill is heard. We haven't done that.

In fact, not only do I think that it's wrong that it came this way, but the Premier seems to think that, too. She believes that we should be following the rules so everybody is heard properly.

I'm saying, as the opposition, that there is only one place where we, as the opposition, have the same power and voice as to what needs doing, which is in how it's done—not what's in the bill, how it's done—and they just took that away from us. I think that's totally wrong, and I really would suggest that we postpone any further debate on this motion until the subcommittee meets to talk over what this report should say.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, and then Mr. Rinaldi.

Mr. Percy Hatfield: I have great respect for the member from Kitchener Centre, but I believe that she just tipped her hand as to the Liberal majority's intention here on this bill—that they have every intention of ram-rod-rolling this bill through the committee, of steamrolling it and of trampling all over the traditional democratic process of the committee—

Ms. Daiene Vernile: Point of order, Chair.

The Chair (Mr. Peter Z. Milczyn): Point of order, Ms. Vernile.

Ms. Daiene Vernile: Mr. Hatfield is making certain assertions. He used the words “ram-rod-rolling” and “steam-rolling.” I would assert that this is unparliamentary language. Unless he has developed the powers of mind-reading, he cannot presuppose what it is that I'm thinking or planning.

I would appreciate it if he would not use language like that. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you, Ms. Vernile.

Mr. Hatfield, don't impugn the motives of members of the committee.

Mr. Percy Hatfield: Thank you, Chair. Actually, I wasn't specifying Ms. Vernile; I said that she tipped her hand on the part of the Liberal majority. I do not believe, subject to your interpretation, that words such as “ram-rod-rolling,” “steamrolling” or “trampling” are undemocratic in any way, shape or form.

The Chair (Mr. Peter Z. Milczyn): In any case, Mr. Hatfield—

Mr. Percy Hatfield: I will not withdraw those terms.

Let me continue. Mr. Hardeman has laid it out for the members of the committee that haven't been on a subcommittee before, if there are any present. There is a traditional democratic process. It has not been followed.

Initially, we heard from members of the government—not to name anyone—that the process wasn't followed

because the New Democrat didn't show up for the meeting. Thanks to your ruling, that the meeting that was called had nothing to do with the purpose for which a member, not to be named, asserted incorrectly that a member of the New Democrats didn't show up—that wasn't the purpose of the meeting.

The Chair (Mr. Peter Z. Milczyn): I ruled on that, Mr. Hatfield—

Mr. Percy Hatfield: Right, and I'm giving you credit for ruling on it.

The Chair (Mr. Peter Z. Milczyn): Could you stick to discussion of the motion?

Mr. Percy Hatfield: I'm speaking to Mr. Hardeman's point that if we're going to follow the traditional democratic process, a subcommittee is formed. Members of that subcommittee, whose names you have, are notified of the meeting. We get together, from all three parties, and we attempt to get consensus on the approach we're going to take to the hearing on the bill. That hasn't happened.

Mr. Hardeman has suggested that this committee today should therefore adjourn, recess or whatever until the subcommittee has met and that we follow the accepted practices, the democratic practices and the traditions of this committee, of this House and of this Legislature. I am suggesting to you, sir, that you accept Mr. Hardeman's suggestion or motion, because that's the way we do things around here.

We don't—not to use those similar terms that have been challenged already—try to do other things to take away the rights of the official opposition, of the third party or of the members of this House. We have rights to be heard, we have rights to be consulted and we have rights to have input on a committee hearing process, and that has not happened. Therefore, I think you should rule on Mr. Hardeman's suggestion.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Not to belabour the subcommittee—I think we've heard loud and clear, Chair, from your decision as well—but just to be clear, what we have in front of us is not a report of a subcommittee, as was suggested across the way. It's a motion that this side of the House put forward for discussion this morning.

Like I say, I don't want to relieve the subcommittee and all those types of things. We do have a week's break next week, and we thought if we get this organized—and we're prepared to make some adjustments. To be clear, this is not a pretend subcommittee report. It's a motion that has been brought in by this, which is totally appropriate, subject to ruling from the Chair, that anybody can bring a motion to the floor.

I would encourage that we maybe proceed with the motion, besides just wiping it all out. It's a suggestion. Let's talk about some of the issues. Mr. Hardeman suggested that maybe this is not a bad thing, but we might have to make some adjustments. I don't know where those are. I think if we could take it on its face value, what we did here this morning, and not replay—this is not the first time that this has happened where there

wasn't a subcommittee meeting but the actual organization was handled by the whole committee. This is not something that's out of the ordinary.

Chair, I'd like to hear from the other side on the adjustments we might make to this, to what extent those adjustments might be made and what one could support. I would encourage that we carry on with the motion.

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett.

Mr. Toby Barrett: Just to carry on with the discussion of the motion, we see the two dates, May 5 and May 12—it doesn't specify where. With municipal issues, over the years, so many MPPs attend AMO, the Association of Municipalities of Ontario. I think it was in Niagara Falls last summer.

0920

Mr. Lou Rinaldi: Yes, it was.

Mr. Toby Barrett: For a number of years, it was held in Ottawa. I recall I've attended AMO in Windsor, in London. That's the nature of AMO, the province's municipal association, that they do hold their meetings across the province, accessing various regions and convenient for municipal councillors and staff and other people that attend those particular meetings.

I guess I kind of assumed there would have been one day of travel, just given the nature of dealing with an issue that has relevance for municipalities right across the province of Ontario. That's just my thought, not only for this finance committee but also for the subcommittee.

I've certainly chaired many subcommittee meetings over the years. We get together after question period. Question period is coming up in an hour, two hours from now. There is an opportunity, before we break for the week in our ridings, to have a subcommittee meeting. I just throw that out.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: I appreciate the comments from my colleague. I think that, really, part of my debate was that there is a need to talk about whether the consultation process that's being proposed is appropriate. That's why the structure of the subcommittee is meant to be able to do that, so that everybody has an equal voice, and then two out of three makes it—recognizing that this full committee gets to accept or to reject that subcommittee report, so it's not to say that the parties have the power to make something happen.

The government side may not realize that there is a big difference between coming into this room and having a debate about the government having to explain why they disagree with the subcommittee report, and us coming in here and speaking against or trying to convince the government members, who all know that what we're debating.

One of the members suggested that this isn't the subcommittee report; this is just a motion you've put forward. Not only is it a motion put forward; it is a motion put forward by the government House leader into this—yes, it was read into the record by one of your members, but I have a copy here with the signature of the executive assistant to the minister, who is the government House

leader, so we know where this came from. It's going to be very difficult to have any member on the opposite side agree with changing what the government House leader has suggested.

I'm just saying that we're not starting from a fair—

Interjections.

Mr. Ernie Hardeman: Oh, yes, I've been through these before. Everyone will start reading the answer that the government House leader prepared, and that's how we will go through it. I just think that it's just the wrong approach to use.

As the member said, at least we did get a notice that says that we're going to have the organization of Bill 181. So I come here and I would assume that that would be a subcommittee report that they didn't notify me they were preparing. Obviously, they didn't. So we come here and it's just suggested that we have a motion.

I question, Mr. Chair, whether the motion is even in order, because if you're going to have a substantive motion, I think the committee has the right to notice of motion, to know what's coming, so I can do the research on it. I didn't know it was coming, supposedly, until I walked into the room. I think I would just make a motion that we table that motion until we have sufficient time to research as to what we agree with and what we disagree with.

I don't think you can just ride roughshod over the system by not having a subcommittee meeting. I just don't think that's proper. This system is structured for a purpose.

I was thinking, on my drive in this morning, that maybe the finance committee doesn't do a lot of work with bills, so maybe they don't have these subcommittee reports very often. They do pre-budget consultations and so forth, but maybe they don't review a lot of bills. But the committees that review a lot of bills know that the first thing you have to do is have a subcommittee meeting. If you can't get the members together for a subcommittee meeting, it doesn't mean you rush through without one. You figure out how you're going to go about getting one timed in so you can get on with hearing the bill.

There was no closure motion from the House that said that this had to be done by today. There is no closure motion from the Legislature. If they wanted us to ride—shall I use the word?—roughshod over the system because we're in a hurry to get it done, the Legislature has the power to do that through a closure motion and tell the committee that they have to move along. None of that happened. This is here. In the fullness of time, in the proper structure, we should review this bill and we should not rush it through without having the protections in there for all three parties to make sure that we're doing the best that we can.

As the critic for the party, we have a lot of stakeholders who we have to deal with. We have a responsibility to know how the bill is going to affect them, how it's processed. The fact that unbeknownst to me, within a week they're going to have been notified, they're going

to get three days to get their name in, then they maybe get to speak and then it's over—if that's how quick it has to be done, I think that as a member of the Legislature I have a right to know that, or I had a right to know yesterday when the House passed it and sent it to committee that that's how it was going to be.

I don't think the House leader has the right to run it from his office and make this committee do his bidding because he's decided he wants this done in this order. Again, I request that the Chair give serious consideration as to the appropriateness of dealing with this without having a subcommittee report.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: That was to be my point exactly. I think we should rule after discussion with Mr. Rennie and others on whether the subcommittee should meet first before we even deal with the motion that's on the floor.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Just a quick, short comment, Chair, to the comment that we need to travel and all those things: I'm just wondering—and I know it's not in a motion here—but certainly part of the hearings could use technology. We're in the 21st century; it's 2016.

Interjection.

Mr. Lou Rinaldi: It's 2016, right? Isn't that what I said?

Mr. Arthur Potts: “Because it's 2016?” That's a phrase in my head.

Mr. Lou Rinaldi: Certainly, in the past, not too long ago, when I was on committee we dealt with input from the public through telephone. I know it's not new; it's been around for a while. And certainly people have contacted us, of course, in writing.

We're allowing an ample amount of time. It's not that the hearings are going to start tomorrow and end by Friday at 5 o'clock. We have well over a week to get the notice out. I would suggest, if we get to that stage, that those notices will be specific on how people are allowed to participate, to get a more fulsome discussion, Chair.

To say that we're just having the meeting here in this room or whatever committee room and nobody is allowed to come in—I would suggest, for example, in fairness, to make an amendment to the motion to do with that piece where we say that witnesses are scheduled first-come, to have some kind of a ranked system. We've done that in the past, where based on the number of people who want to talk to us as a committee, it's evenly split amongst all three parties, to be fair.

Ontario is a big province. I don't have to preach that. As suggested by MPP Barrett, to say that we can travel at least one day, I'm not sure to what communities we would go. We're talking about the Municipal Elections Act. All 444 municipalities all go through it; it's not just a select few. So I'm not sure where we go to.

My understanding is that the president of the AMO—and I had a chat with him—will be applying to be a delegation to come and speak to us, and with the exception of

Toronto, he represents the majority—not all—of the municipalities of Ontario.

0930

We talk about a potential opportunity to alter the way—to give the municipality an option—the way they vote. Yes, it's different; absolutely. But, I'm going to repeat, it's 2016.

I think municipalities have been given ample warning since, I believe, last July when we started talking about this. I talked to a lot of folks at AMO. I know the minister has talked to a lot of folks at AMO. There were at least one, maybe two municipalities that, on that issue of ranked balloting, were supportive. Now they've changed their mind, and that's fair. That's democracy at work. Municipalities are driven by a democratic process, just like we are here. We get elected by the people we represent.

To say that there's not an opportunity to contact us—I just worry that if we pick one day, then who picks what, when and where we go? Having the opportunity to talk to us by phone, by email, by snail mail—and the folks that we choose equally, as a committee, to talk to us would give us ample—and in that part alone, the people are going to be able to talk to us. If my math is correct—and I'm not saying it's always correct—we'll have about 10 and a half hours of time allocated to listen to folks who want to talk to us one-on-one or by phone.

So I would encourage that we carry on with the motion, as I said a minute ago, and look at how we can tweak it, like one of the suggestions I just made. People expect, when we're here for the four years that we have the privilege of serving our constituents and the people of Ontario, that we get things done. I'm going to end it there.

The Chair (Mr. Peter Z. Milczyn): Mr. Potts?

Mr. Arthur Potts: I have great respect for the member opposite, and particularly—

Mr. Percy Hatfield: A point of order, Chair?

The Chair (Mr. Peter Z. Milczyn): Yes, Mr. Hatfield?

Mr. Percy Hatfield: Chair, you've been asked to rule on whether we should even be discussing the motion. We're continuing to discuss it, as opposed to hearing from you on the request that you decide whether it's in order or not, or whether we go a different route.

The Chair (Mr. Peter Z. Milczyn): The motion before us is in order. It would certainly be up to the committee to decide to go a different route.

Mr. Percy Hatfield: So, by accepting the motion, you're ruling that the subcommittee has no business meeting prior to this motion being heard?

The Chair (Mr. Peter Z. Milczyn): No, that's not my ruling, Mr. Hatfield. My ruling is that the motion is in order.

Mr. Percy Hatfield: Mr. Hardeman has suggested to you that the subcommittee should meet and then we should talk about what we're going to present. This motion jumped the queue on that process. So are we just spinning our wheels listening to this before the sub-

committee meets to decide if that's going to be the approach forward?

The Chair (Mr. Peter Z. Milczyn): The committee could decide that it wishes to proceed with the subcommittee, but the motion is in order before the committee.

Mr. Percy Hatfield: Well, if that's the case, I have an amendment I'd like to make before we continue.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, the motion is in order, and it is amendable.

Mr. Potts has the floor.

Mr. Percy Hatfield: Can I put my name on the list, then, please?

The Chair (Mr. Peter Z. Milczyn): Certainly.
Mr. Potts?

Mr. Arthur Potts: Thank you, Chair. As I was saying, I have tremendous respect for the member opposite, particularly the sense of due process and the considerations and the historical and democratic traditions that we abide by around the House. I share the concern, very much so, that a subcommittee wasn't called in order to vet the ordering of this motion before us and I appreciate that. At the same time, I share the concerns of all of us that we have a lot on the agenda, a lot on the plate, which we want to move forward. I appreciate the fact that it wasn't a directed order from the Legislature—closure—that we meet on a certain timeline, but also that we want to move this thing forward.

We shared this motion with the member opposite much earlier in the day today. There was some time to think about it. We appreciate that.

I want to just clarify the record that we haven't been directed by anybody and would never take a direction from anybody that we just do exactly what we're told to do. That's not our way. We're all free, independent thinkers here and we'll work very hard to do the thing that is the right thing to do. We're looking forward to the input from the members opposite about how this might move forward. I mean, this is not a new subcommittee-type report. We see this in every committee, and there are adjustments: timelines, numbers, dates. There can be adjustments. We are totally open to those suggestions from the members opposite.

The suggestion that we travel, however—I think the member would appreciate that in order to have hearings outside of the precinct, we need an order from the House. So even if the subcommittee were to come forward with it, it's my understanding that it would have to be ruled out of order. Maybe we can get some clarification on that from the Chair, but it's my understanding that the House has to be able to direct to hold hearings outside of the precinct, which it has not done, in which case we can avail ourselves of the technology—phone calls, written submissions and such—and have ample opportunity for people to have deputations here and to speak their mind, and that's what we're hoping to do.

We're open to hearing, outside of travelling, what you'd like to do with this in terms of timelines and numbers and deputations and such. Our minds are open to it. This is not a *fait accompli* as it stands here.

The Chair (Mr. Peter Z. Milczyn): Mr. Potts, just to clarify something: The committee can choose to travel. However, it has to be during periods of time that the committee is authorized to be sitting.

Mr. Barrett?

Mr. Toby Barrett: Just very briefly, I guess, I just wanted to reiterate the importance of one day of travel. I gave you the reasons for that and offer that as advice not only to the committee but, most importantly, to the subcommittee.

I'm just surprised that this committee or other committees would make a decision without having a subcommittee meeting. As I said, I've chaired a number of committees and I've chaired a number of subcommittees. Peter Kormos sat on the committee. Peter Kormos sat on the subcommittee. As a Chair with Peter Kormos sitting there, I just don't think I could have gotten away with this. I just leave that with you.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I have an amendment to make to the motion that's on the floor, that we delete everything after the first "That" and replace with the following:

"the Chair write to the House leaders for authorization to meet during the summer recess for purpose of public hearings, with dates and locations to be determined by the subcommittee.

"That dates, deadlines and timelines for other related business be determined by the subcommittee following the response of the House leaders."

The Chair (Mr. Peter Z. Milczyn): Do you have it in writing, Mr. Hatfield?

Mr. Percy Hatfield: I do. I have it in printing—not writing, but printing.

The Chair (Mr. Peter Z. Milczyn): We'll have a quick recess just so that can be photocopied and distributed to members.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): We'll recess for five minutes.

The committee recessed from 0939 to 0945.

The Chair (Mr. Peter Z. Milczyn): The committee is back in session.

When we left off, Mr. Hatfield had tabled an amendment. Is there any debate on the amendment? No? Are there any comments or questions on the amendment?

Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I'm not sure that I can support this amendment. Once again, referring to the comments made before, this was just presented to us five minutes ago. I think we would probably need a couple of more minutes, maybe five minutes or so. As it stands, I can't see us supporting it, because this kind of takes us into no man's land here, starting all over again.

I wonder, Chair, if I could ask for at least another five-minute recess to consider some of this stuff.

The Chair (Mr. Peter Z. Milczyn): Is there agreement from the committee for another brief recess? All right, we're recessed for another five minutes.

The committee recessed from 0947 to 0949.

The Chair (Mr. Peter Z. Milczyn): The committee is back in session.

Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, as I said a minute ago, for the time being, I would put aside the amendment to the motion.

But here is what I would suggest—and I don't have it in writing, but I'll speak very slow: That this committee adjourn and that we call a meeting of the subcommittee right after question period. I believe this committee reconvenes at 2 o'clock?

The Chair (Mr. Peter Z. Milczyn): No, if you adjourn, Mr. Rinaldi, and committee agreed to adjourn, then we're finished today.

Mr. Lou Rinaldi: So let's not adjourn, then. Let me get to where I want to go and then please help.

The Chair (Mr. Peter Z. Milczyn): You can recess.

Mr. Lou Rinaldi: Recess. So recess in order for the subcommittee to meet right after question period, and then the meeting reconvenes, I think, at—2 o'clock is our regular time. Is it 2 p.m.?

The Chair (Mr. Peter Z. Milczyn): Yes, 2 p.m.

Mr. Lou Rinaldi: At 2 p.m. to deal with the subcommittee report. Is that—

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi, to place that is certainly in order. However, a 2 p.m. meeting was not scheduled in advance. No advance notice was given. It would require unanimous consent to proceed in that way.

Mr. Lou Rinaldi: From the committee?

The Chair (Mr. Peter Z. Milczyn): From the committee.

Mr. Lou Rinaldi: So I guess you need to ask for unanimous consent. That's what I asked for.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi has put forward a motion. Does everybody understand the motion? Is there any discussion on that motion? No? Is there unanimous consent for that motion? Agreed. Very well. We will recess until 2 p.m. and the subcommittee will meet immediately after question—Mr. Hatfield?

Mr. Percy Hatfield: And where is the subcommittee meeting?

The Chair (Mr. Peter Z. Milczyn): I believe in the opposition lobby.

Ms. Ann Hoggarth: Point of order.

The Chair (Mr. Peter Z. Milczyn): Point of order, Ms. Hoggarth.

Ms. Ann Hoggarth: I just want to ask a question. Once motions are read in, do they not have to be dealt with?

The Chair (Mr. Peter Z. Milczyn): No.

Ms. Ann Hoggarth: I'm just asking for my own personal—

The Chair (Mr. Peter Z. Milczyn): By what Mr. Rinaldi did, it was an agreement to postpone the other motions that were on the floor.

Ms. Ann Hoggarth: Okay, thank you.

The Chair (Mr. Peter Z. Milczyn): Committee is recessed.

The committee recessed from 0952 to 1400.

The Chair (Mr. Peter Z. Milczyn): The committee is back in session. When we recessed, we were debating Mr. Hatfield's amendment to Ms. Hoggarth's motion on Bill 181. I do note that we also have a subcommittee report before us now.

Is there further debate on Mr. Hatfield's amendment? No? So we put the question on Mr. Hatfield's amendment.

Ms. Vernile.

Ms. Daiene Vernile: Chair, just for the record, as we're starting fresh this afternoon, could you or could the member please reread the amendment?

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: With your permission Chair, delete everything after the first "That" and replace it with the following:

"the Chair write to the House leaders for authorization to meet during the summer recess for purpose of public hearings, with dates and locations to be determined by the subcommittee.

"That dates, deadlines and timelines for other related business be determined by the subcommittee following the response of the House leaders."

The Chair (Mr. Peter Z. Milczyn): Any further debate? Are members ready to vote?

All in favour? Opposed? That does not carry.

Ms. Hoggarth, your motion?

Ms. Ann Hoggarth: I'm going to withdraw that motion.

The Chair (Mr. Peter Z. Milczyn): Ms. Hoggarth wishes to withdraw her motion, so Ms. Hoggarth's motion is withdrawn.

Now before us we have the subcommittee report. A member of the committee must read the subcommittee report into the official record. Mr. Hardeman, do you want to do that?

Mr. Ernie Hardeman: Thank you very much, Mr. Chairman. I have a draft report here of the subcommittee.

Your subcommittee on committee business met on Thursday, April 21, 2016, to consider the method of proceeding on Bill 181, An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts, and recommends the following:

(1) That the committee meet at Queen's Park on Thursday, May 2, 2016, and Thursday, May—

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman, you said May 2.

Mr. Ernie Hardeman: May 5; I saw a "2" there—May 5, 2016, and Thursday, May 12, 2016, for the purpose of public hearings.

(2) That the Chair write to the House leaders asking authorization for the committee to meet for one day during the week of May 23, 2016, at a location to be determined by the committee.

(3) That the Clerk of the Committee post information regarding public hearings on the Ontario parliamentary channel, the Legislative Assembly website, and on Canada NewsWire.

(4) That the deadline for requests to appear be 4 p.m. on Thursday, April 28, 2016.

(5) That the Clerk of the Committee provide a list of all interested presenters to the subcommittee following the deadline for requests.

(6) That the Clerk of the Committee be authorized to schedule all interested presenters, if all requests received by the deadline can be accommodated.

(7) That the subcommittee provide the Clerk of the Committee a prioritized list of presenters chosen from the Clerk's list, should the number of requests exceed the number of time slots available.

(8) That late requests from interested presenters be accommodated, space permitting.

(9) That the witnesses be offered 10 minutes for presentation and nine minutes for questions by committee members, evenly divided on a rotation by caucus.

(10) That the deadline for written submissions be 6 p.m. on the last day of public hearings.

(11) That amendments to Bill 118 be filed with the Clerk of the Committee—

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman, the bill number.

Mr. Ernie Hardeman: Bill 181?

The Chair (Mr. Peter Z. Milczyn): You said Bill 118, so if you could reread it.

Mr. Ernie Hardeman: I'll go back to number (11): That amendments to Bill 181 be filed with the Clerk of the Committee by 6 p.m. on the Tuesday following the last day of public hearings.

(12) That the committee meet for clause-by-clause consideration of Bill 181 on its next regularly scheduled meeting date following the last day of public hearings.

(13) That the research officer provide a summary of the oral and written submissions by the Monday following the last day of public hearings.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Hardeman. Is there any discussion on the subcommittee report? Ms. Vernile.

Ms. Daiene Vernile: Thank you very much, Chair. I do appreciate the time that everyone gave this afternoon as we met in subcommittee to go over all of these issues. I do want to state, for the record, that I do agree with Mr. Hardeman and Mr. Hatfield on point 1 and points 3 through 13, and did so in our subcommittee meeting.

But for the record, I disagreed with point number 2, "That the Chair write to the House leaders asking authorization for the committee to meet for one day during the week of May 23, 2016 at a location to be determined by the committee." My commentary at the time was that it's unnecessary for us to have to go on the road and be selective with one particular community and disregard other communities in Ontario.

Also, we can give the opportunity for people to call in and to speak to us through conference calls, as we have done many times in the past. So we would have that extension to the people of Ontario who wish to comment on Bill 181.

The fact that we did receive 3,400 submissions from the public, from municipal leaders and from staffers on this particular issue, I think, is a demonstration of the fact that we have been inclusive.

I would have to disagree with the point that the opposition would like us to take this on the road, as I believe that it's costly and unnecessary. We do have provisions within the way we are going to handle this so that people can contact us to give us their feedback.

The Chair (Mr. Peter Z. Milczyn): Ms. Hoggarth, you had your hand up.

Ms. Ann Hoggarth: Yes. There are several points that I agree with in the subcommittee report, but there are some amendments that we would like to make.

We would like to take number 2 away, which is, I think, what Ms. Vernile just said.

Numbers 1 and 3 are fine.

Number 4: "That the deadline for requests to appear be 4 p.m. on Thursday, April 28, 2016"—which is what is in there. Sorry.

Number 5 is fine.

Number 6: "That all witnesses be offered 10 minutes for presentation and nine minutes for questions by committee members, evenly divided on a rotation by caucus."

Number 7—

Mr. Ernie Hardeman: Excuse me. I think that you've missed the numbers. You're looking on the wrong sheet for the numbers.

Ms. Ann Hoggarth: Oh, sorry.

The Chair (Mr. Peter Z. Milczyn): You should be following the subcommittee report.

Ms. Ann Hoggarth: Okay. Number 6 is fine.

Number 7: That's fine.

Number 8: That's fine—

Mr. Percy Hatfield: What isn't fine?

Ms. Ann Hoggarth: What isn't fine?

Mr. Percy Hatfield: That might speed things up.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield—

Ms. Ann Hoggarth: Number 11 is not fine. The rest is fine.

I agree with MPP Vernile that there be no travel. There are lots of ways for us to get submissions without travel.

The Chair (Mr. Peter Z. Milczyn): I just wanted to be clear, Ms. Hoggarth: Did you move an amendment?

Ms. Ann Hoggarth: I did. Number 8, that the amendments be at 12 p.m., Monday, May 16—

Mr. Percy Hatfield: That's not number 8.

Mr. Arthur Potts: That's number 11.

Ms. Ann Hoggarth: Sorry, it's number 11—by 12 p.m. on Monday, May 16, 2016.

We're okay with it being ranked by the subcommittee or their delegates.

Mr. Percy Hatfield: So just for clarification, for my purposes, is she saying, as Ms. Vernile did, that they want number 2 deleted and number 11 is the only other one that they had a problem with?

The Chair (Mr. Peter Z. Milczyn): That's what I believe Ms. Hoggarth amended.

Ms. Ann Hoggarth: Yes.

The Chair (Mr. Peter Z. Milczyn): Ms. Hoggarth, could you put those amendments in writing and submit them to the Clerk?

Interjection.

The Chair (Mr. Peter Z. Milczyn): The Clerk advises me that we should recess for—

Ms. Ann Hoggarth: Yes, please.

The Chair (Mr. Peter Z. Milczyn): —for five minutes or so.

The committee recessed from 1410 to 1418.

The Chair (Mr. Peter Z. Milczyn): The committee will reconvene. Before we recessed, Ms. Hoggarth, you were moving an amendment.

Ms. Ann Hoggarth: Yes.

I move that the report of the subcommittee be amended as follows:

(1) That clause number 2 be struck out; and,

(2) That in clause number 11 the word “Tuesday” be struck out and replaced with “Monday”.

The Chair (Mr. Peter Z. Milczyn): Thank you. I just wanted to bring to the attention of the committee the advice that staff gave me that, should your number 2 be adopted, amending clause number 11, that has an impact on item number 13 on the subcommittee report. So you may want to make an adjustment to that as well.

Maybe, Mr. Parker, you could explain—or Mr. Hardeman?

Mr. Ernie Hardeman: I think it would be part of the debate as we're debating whether that previous one should be changed. I think that's the real challenge here. The benefit of changing—I would like to hear from the government side, because in fact it does take away the ability of research to have the weekend and Monday to get their summary ready for the committee to deal with. It has to be ready Monday morning, so they would have to have it done on Thursday or Friday, or take away his whole weekend just to do the summary. He may have to do that anyway.

The question is, is there really enough benefit to having number 11 change from Tuesday to Monday, to cause the commotion of trying to find time for research to put the thing together?

The Chair (Mr. Peter Z. Milczyn): I was not attempting to direct the debate; I was just pointing out that it has implications on item number 13.

Further discussion on Ms. Hoggarth's amendments? Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chair, I just want to speak primarily to number 2. There was a fair bit of discussion at committee on number 2 as to whether we shouldn't have some hearings beyond the city of Toronto. A lot of the issues—particularly the big issue of ranked ballots, but there's another issue in there that the people who don't represent rural areas wouldn't be too much involved in: the big issue of how this bill deals with volunteer firefighters if they want to run for council, too. In my community, I was one of those people. We still

have a lot of people who are both on council and in the fire department.

With this bill they could still do that, except that they can't do that during the election period. So all of a sudden they have to take a leave of absence from being a volunteer to put the fire out if their neighbour's house is on fire because they're running for municipal office. Not all municipal firefighters would agree with that, but in Toronto we don't have any volunteer firefighters, so the people here wouldn't be interested.

I think the reason that it was suggested at committee was that—we should go to North Bay and the north, where both of those things exist. The people may very well have a totally different view on ranked ballots for municipal elections. At the same time, all around in the north, they have volunteers. I'm not sure that their emergency services would run very well for the length of period—we're also, incidentally in the bill, extending the writ period, so they would not have the ability to answer the call during those six or seven or eight weeks—it may even be longer—from the middle of July till the first part of October. That's a long time that they're not allowed to do their volunteering within the fire service.

It was suggested that we go to North Bay and hear from the people in the north to see what they thought of these changes that are being made. I think it's very important that we don't just discard that because we think the people have heard enough.

The comment was made that we've heard from 3,400 people. I'm not saying it isn't so, but I haven't seen any evidence that there was one of those 3,400 who spoke about the impact there was going to be upon the fire departments, because there wasn't any fire department that I knew of where that issue was even being discussed. They weren't part of the consultation that caused that to happen. I can tell you there wouldn't have been a single volunteer firefighter that came forward and said, “You know, what you really should do in this bill is make sure that if I decide to run for council, I should have to take a leave of absence from the fire department to do that.” I think the government side would agree that that's not likely happened in those 3,400.

I really think it makes sense, too, to go to the north and to find out what these people think about this. That's why I'm supporting—I'm not supporting taking it out; I support leaving it in.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: Yes, at the subcommittee we talked about the possibility of getting permission from the House leader to take it on the road. Mr. Hardeman has already enunciated a lot of the things that were said. It was also suggested—we threw out North Bay; we talked about Thunder Bay, we talked about Sault Ste. Marie—communities in the north that we don't normally hear from. It's a lot easier for people in the north to get to one of their own locations as opposed to coming all the way down here. I am disappointed, I guess, that the government doesn't want to hear from the north on this issue.

During the debate in the House yesterday when we talked about Peter Kormos, I was reminded of one of his

favourite lines: "The Liberals don't want to work." If Mr. Kormos was here today, he would probably be saying the same thing: The Liberals don't want to work, they don't want to go on the road, they don't want to listen to the people to get input.

To the position that Ms. Vernile suggested, that we've already heard from 3,400 people, there were perhaps 3,400 submissions that were made to the merits of bringing in amendments to the Municipal Elections Act, but none of those people, as of yet, have been consulted on, "Okay, you told us you wanted something. This is the wording we've come up with. Do you agree with the wording we've come up with? Did we capture correctly what you had suggested to us that you would like to see in this act, or did we leave out something very important to you that either we didn't hear correctly or we put in here incorrectly?"

The purpose of going on the road to those smaller communities, especially in the north, is to say to those people who may have made a submission, "Did we get it right?" before we present it to the Legislature. I think that's an important thing. You can ask people for their opinion but then, when you put their opinion into proposed legislation, you would, I would think, first want to check with them, "Is this what your intent was, did we capture that correctly?"

I'm disappointed that we can't take it on the road. Ms. Vernile started off by saying that because we only talked about one community, it would leave out a whole bunch of other communities that we wouldn't get to. Well, I fully support going to a whole bunch of communities. I suggested one, I suggested two, I suggested three: Sault Ste. Marie, Thunder Bay and North Bay. I'll go to Pembroke. I don't care. Let's go. I'll give up my constituency week and make that happen. I'm here, prepared to work, prepared to listen, and prepared to consult on the merits of this bill and the wording in this bill.

This is going to affect every municipal council in the province. It's going to affect school board trustees across the province. There's a lot of information out there and we just want to make sure we get it right. We don't want to bring in bad law. We don't want to bring in laws that we are going to have to change because we didn't get it right the first time.

I cannot support not taking it on the road, especially because of what we suggested at committee, that we'd go to the north, and I think the people in the north deserve to be heard on this.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Potts?

Mr. Arthur Potts: Thank you, Chair. I agree that people in the north should absolutely be heard but I think you overstate the case to say that we won't hear from them. I know that our members from Thunder Bay and Sudbury and Sault Ste. Marie will be very active in ensuring that there is an opportunity that those ideas be heard. They can be heard through letters and through phone calls, as happens regularly around here.

I point out that the central tenets of this bill are all promissory. They are not directory, in the sense that we

are not telling municipalities to have ranked ballots; we are giving them the option. The city of Toronto has very strongly, in the past, asked us to do this. Rather than just put it in the City of Toronto Act, as we have done with other pieces of legislation such that now other municipalities are coming to us and saying, "We want that authority too," we're saying let's put it in all municipalities.

I know that the local volunteer firefighters will come to their local councils and they will make the pitch about what the rules should be, if there are allowed to be ranked ballots in the next municipal elections, and they will make that case. They will make it very clearly, on a municipality-by-municipality basis. But as the member, who is the parliamentary assistant to the Minister of Municipal Affairs and Housing, said, there are 444 municipalities, so you are not really going to canvass the entire spectrum but people will have a chance to write in. We support not taking it on the road for a day.

To the other concern on our second motion, that "Tuesday" be struck out and replaced with "Monday," our concern is if we go with Tuesday, it's only going to give us one day before we go to clause-by-clause hearings to put all the millions and hundreds of motions that will likely be coming from the other side. We think we have got the legislation pretty well but we'll listen to what people have to say, and maybe there will be some motions that we want to bring in as well. But we don't want to have just one day for you to be looking at our amendments and getting a sense of what we should do with them or us to be looking at your amendments.

1430

By moving it to Monday—I appreciate there may be an issue here with legislative research. I would be interested in legislative research telling us whether he would have difficulty reporting by Friday. That would give time for people to reflect on it.

I know that you'll be doing notes every day during the course of the hearings and having a chance to give us a report on Friday. We can maybe make a further amendment, then, to clause 13.

I'd be interested in hearing, Chair, from Mr. Parker on that matter.

The Chair (Mr. Peter Z. Milczyn): Mr. Parker?

Mr. Jeff Parker: To answer some of the discussion that has been going on: The reason we set Monday for the deadline is because at the subcommittee, the members decided that they wanted to see both the oral and written submissions. In legislative research, it will be tight, but we can likely have the oral submissions fully completed for you by the end of Friday. The written submissions, because we can't control the number of those that may come in at the last minute, are the ones that we are—I can't promise you that we'd actually be able to complete those by the end of Friday and get that to you in the package at the quality that the members deserve.

Mr. Arthur Potts: The review of them all, in summary.

Mr. Jeff Parker: Yes, it's a summary of the testimony that we've heard and to get an idea of what groups

and what individuals have made submissions and made similar recommendations so that you have those for your process of crafting amendments.

Mr. Arthur Potts: Am I correct in saying, though, that all of those submissions would be shared with us on an ongoing basis as they came in, in which case, we'll have a chance to reflect on them as well, and we won't necessarily, on the written, have to rely on your summaries? We can actually do some of them ourselves. We may have to work a little harder. I know the members opposite love working a little bit harder.

Mr. Jeff Parker: Yes, you will have access to all the written submissions as they come in, as we will. We just wouldn't be able to summarize those that came in at the deadline.

If we were to move forward, then, we may want to restate the 13th clause. If we decide not to amend the 13th clause, assuming the current amendment were to pass, then we'd be in a position where legislative research would still fulfill its mandate to get you oral and written submissions, but it would come on Monday, potentially very close to the deadline for amendments—if that is clear.

Mr. Arthur Potts: Well, I'm tempted to push a motion here that makes it Friday for oral and Monday—or best efforts.

The Chair (Mr. Peter Z. Milczyn): Mr. Potts, what I'd suggest is that if you want to table an amendment, put it in writing and we can get back to you on that as the debate unfolds.

Mr. Arthur Potts: Sure.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman?

Mr. Ernie Hardeman: I've got a couple of things that relate to the comments from across the way. First of all, in number 11, changing the Tuesday to Monday: We can have great debate, but as I asked the Clerk at the subcommittee—and I can ask him here again—it's a procedural time for the amendments. Because the committee is not time-allocated from the Legislature, as a member of the committee, I can introduce an amendment to the bill while we're doing the clause-by-clause. The deadline, whether it's Monday or Tuesday, is only there to facilitate the presenting of the review or the analysis from legislative research from all the things that we've had.

So my view is that there would be a much better chance of—getting the information from them and then me being able to prepare the amendments and get them done so that you have a chance to look at them all before the clause-by-clause is likely to be more accurate if we have till Tuesday than if we had to have it done by Monday. If we turn half of them in on Monday, then the other half will come on Thursday when we start the clause-by-clause—because no one can stop any member of the committee from introducing an amendment at the time of the clause-by-clause. So I think it's kind of a moot point to be debating that one. I'll leave it at that. I'm willing to settle for whatever you come up with.

The other thing that I think is rather interesting is that it was mentioned that we didn't need to go to the north

because they'll hear from their members. If that's true, then why are we having these hearings at all? Because I'm sure that the good folks in Beaches–East York are going to hear from their member. So why do we need to provide them with the opportunity to speak directly to the committee, but not the people in the north? That, to me, doesn't make any sense.

The other part was the firefighters and the ranked ballot. I just want to point out that the issues with the two are not connected. The firefighters have no problem with the ranked ballot; it's that under this bill they have to take a leave of absence from being a volunteer firefighter for 12 or 13 weeks, or whatever it is, from mid-July until election day in October—not because that's their job, because they have another job, but they volunteer and find they can't go out on a call. They can't be part of the volunteer department during the time that they're running for election.

Now, until other legislation is changed, after they get elected, they can go back to being a volunteer firefighter, because the Municipal Act allows that to happen. I'm not saying that's not going to change, but that's the way it is now. It seems strange to me that we would take this approach, but even stranger that we wouldn't want the fire departments to have an opportunity to speak to that, particularly in areas where they have almost all-volunteer departments. That's why I think going to the north is a great idea. Like I said, in the north, they have no concerns about the choice.

The one comment I have heard already in the debate about ranked ballots is not whether it's good or bad, but that because of how it's being implemented, which is the choice of the municipalities, you're going to have a different way of running municipal elections from municipalities right side by side. One municipality does it; the other doesn't do it, and all of a sudden we have a patchwork of all kinds of rules and regulations.

It's the same with the election financing. When you make it a local choice, everybody gets to make a different choice. So you can have corporate donations on the south side of the town line, but you can't have it on the north side of the town line because that's a different municipality. I think we need to hear from the municipal people in those areas that are going to be affected by that issue and hear what they think about that.

I think the member said that he'd heard comments about ranked ballots being a good idea, but maybe we should talk to these 3,400 people again to see whether they think it should be discretionary or should be mandated that they all have to do it. I think you might get a different answer. That's why I think it's so important that we get as broad a section of the people that we can to talk to, as to what the end result of this bills should be.

The Chair (Mr. Peter Z. Milczyn): Ms. Vernile?

Ms. Daiene Vernile: Respectfully, I would say that we've had a very fulsome discussion on this today. I would submit to you that we move ahead, and we vote on the subcommittee amendment as presented by MPP Hoggarth.

The Chair (Mr. Peter Z. Milczyn): No, I don't think there's calling the question here.

Do you have any other comments? Because I have a list of people who indicated they want to speak.

Ms. Daiene Vernile: I'm just encouraging us to move forward and vote on this because we seem to hear the same thing being repeated over and over again.

The Chair (Mr. Peter Z. Milczyn): That's unfortunately often politics.

Mr. Hatfield?

Mr. Percy Hatfield: Just if I could, Mr. Potts had suggested that the city of Toronto had talked about being in favour of ranked ballots. We've heard from the minister—Laura will correct me if I'm wrong—that he has heard at one point or another from Toronto, Ottawa, Hamilton and London; I think those are the four that he has mentioned. But in some of those municipalities, or at least one of those municipalities, the members of those municipal councils have changed their mind now.

I'm not sure if the city of Toronto councillors currently in office were the same ones that presented prior or, once they're in office, whether their opinion has now changed: "Are you still in favour of ranked ballots or not?" So there is a question of going back and saying, "Is this what you really intended?"

Somebody had suggested to me that in certain regions with—I don't know, make it up, make up a number—21 or 22 people in a regional government, are you going to have to rank your first choice out of those 22, and how long is it going to take you to mark your ballot when you go down? Or is it going to be the top 21—

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, if you could keep your comments on the amendments before us. We're not debating the bill.

1440

Mr. Percy Hatfield: I respect your opinion, Chair, and I will try to do that. I'll be very brief. It's just that what I was saying, I thought, gave legitimacy to the argument that because you've listened to 3,400 people, you want to check back with some of them at least—some who won't necessarily travel to Toronto in person to talk to you—to make sure that what ended up in legislation is what they thought they were going to get when they first presented to the committee. That's why I had suggested going on the road, especially to the north.

The Chair (Mr. Peter Z. Milczyn): Ms. Hoggarth.

Ms. Ann Hoggarth: I believe that number 2 should be out of there. I do think that anyone who's interested in this will either do a written submission or an email submission, or they can call in or, if they're so inclined, come here. I know AMO will. If they've changed their mind since then, we'll hear about it.

I don't think there's any need to go anywhere in order to hear everyone's views. I'm sure that my colleague across the table here has already talked to volunteer firefighters, and they're ready to tell us, no matter where we are, that they would like an amendment. So I don't think that we need to travel with this bill.

The Chair (Mr. Peter Z. Milczyn): Mr. Potts.

Mr. Arthur Potts: Yes, very shortly, Chair—thank you very much to the member, Mr. Hardeman, for his comments, particularly for allowing me to realize again that they do have the option for putting amendments afterwards.

I won't put a third motion at this point. I'll stick with what we have, and I'm prepared to vote on it whenever the committee sees fit.

The Chair (Mr. Peter Z. Milczyn): Mr. Dong.

Mr. Han Dong: I'm just reading again the second point here: "authorization for the committee to meet for one day during the week of May 23, 2016."

In the limited time that I've spent here as a member, I've travelled with a select committee; I've travelled with public accounts. Whichever way, whether by flying or by bus, it takes a lot of time, especially if we're travelling by bus—three hours or four hours to a location, both ways. I think the time could be better used if we can sit in here and speak to people, whether via telephone or other devices. I think in that time frame, we can hear from a lot more people.

Contrary to the comments made that the Liberals don't want to work, to that point, the caucus on this side actually wants to hear more people, via telephone, from more places in Ontario. I think that's a much more efficient way to do it without travelling. When you travel, it costs more money. It takes more time on the road. Less work gets done; fewer people get heard. That's my point.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: I'm just looking in here. I don't see anything in here about teleconferencing or Skype, unless I'm missing it. Mr. Dong said he wants to hear people on the phone. I don't see it. Maybe there's a number I'm not getting here.

Are you making an amendment to add something here that says we'll be doing that?

The Chair (Mr. Peter Z. Milczyn): The Clerk advises me that that's a logistical issue that the Clerks handle anyway.

Mr. Percy Hatfield: The Clerk will do it instead of Mr. Dong?

The Chair (Mr. Peter Z. Milczyn): Yes.

Mr. Han Dong: It's a standard practice here. If there are people from a remote area who want to participate and want to present, they can do it via telephone. You've been here longer than I have, so you know we've done this before in the past. I'm just pointing this out.

The Chair (Mr. Peter Z. Milczyn): The Clerk advises me that if a witness states that they wish to participate by teleconference, then we accommodate their wish. We don't have to be explicit about it.

Mr. Percy Hatfield: I will sleep better tonight, knowing that that's the intent of the committee.

The Chair (Mr. Peter Z. Milczyn): You can move an amendment, Mr. Hatfield.

Mr. Percy Hatfield: Well, if you want to take half an hour for me to do that, I'd be delighted to.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: I don't want to prolong the debate. You know I'm one who likes to get it done

quickly. I just can't get my mind around the suggestion that somehow, consulting people outside of Toronto isn't as important as consulting the people in Toronto.

Interjection.

Mr. Ernie Hardeman: No, that's exactly what you said, because—

Interjections.

The Chair (Mr. Peter Z. Milczyn): Order.

Mr. Ernie Hardeman: We're going to have meetings for the people in Toronto, two days of hearings for the people who can come to Toronto. Anything more than that, "Why can't they use the telephone?" Well, then the question becomes why can't the people of Toronto use the telephone? Why can't we save all this money and not have these meetings?

Interjections.

The Chair (Mr. Peter Z. Milczyn): Order. Mr. Hardeman has the floor.

Mr. Ernie Hardeman: It seems to me we're trying to suggest—Mr. Dong mentioned that it takes too long. "We've got better things to do with our time." To me, that's—

Mr. Han Dong: That's not what I said.

Mr. Ernie Hardeman: That's what you said: It takes a long time. To me, it's worth the time to make sure we do this right. I think the people have a right to be heard and I think just for expediency's sake—

Interjections.

The Chair (Mr. Peter Z. Milczyn): Debate is through the Chair. Mr. Hardeman has the floor.

Mr. Ernie Hardeman: Mr. Chair, democracy is expensive, but the people of Ontario have decided that they want the money spent so they can be heard.

You are not going to hear anybody complain if the government side agrees to go to North Bay. You're not going to hear one person in North Bay say, "I wish you would have saved the money; I could have just given you a call." They're not going to do that.

I believe that if there were so many people who spoke to needing the bill and wanting it done, I agree with Mr. Hatfield that we should now check with some of these people and find out whether this bill actually does what they asked for. In some cases, we may hear it's not.

With that, I'll leave it, Mr. Chair. The committee will vote as they see fit.

The Chair (Mr. Peter Z. Milczyn): Mr. Dong, now you have the floor.

Mr. Han Dong: I just want to make a last comment. Physically, Queen's Park is in Toronto.

To my point, with the time that we spend on travelling, we can use that same time to hear from people from North Bay, Ottawa, Windsor or anywhere in the province. It does not stop them from calling in. There's 24 hours a day, the same as everybody. If we spend eight hours travelling, that's eight fewer hours we could spend on listening to people. That's my point.

Queen's Park is in Toronto. If it was in North Bay, then I would say, "Let's do it in North Bay."

Interjection.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman, I made sure you had the courtesy of not being interrupted, so please don't interrupt Mr. Dong.

Mr. Han Dong: I'm done.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: I just wanted to say that I know travel takes a lot of time and I know that the technology that's being spoken about is in this legislative building. I also know that every day, I spend four hours on the road because I want to be here in person to talk to the issues that I'm here for. I think we should not use the travelling time to say, "Other people shouldn't have that same right to actually speak face to face."

That's really what this is saying. I object to that.

The Chair (Mr. Peter Z. Milczyn): Any further debate? Seeing none, on the amendment by Ms. Hoggarth, all in favour—

Mr. Ernie Hardeman: A recorded vote, please.

The Chair (Mr. Peter Z. Milczyn): A recorded vote has been requested.

Ayes

Dong, Hoggarth, Potts, Vernile.

Nays

Hardeman, Hatfield.

The Chair (Mr. Peter Z. Milczyn): That is adopted.

On the subcommittee report—did you want to make any further amendments?

Mr. Percy Hatfield: I had a couple here, really long ones, but I think it would probably take the rest of the afternoon to read them. So in the interest of getting on with life, I think I'll—

The Chair (Mr. Peter Z. Milczyn): You're a scholar and a gentleman.

Mr. Percy Hatfield: Let the record show.

The Chair (Mr. Peter Z. Milczyn): On the subcommittee report, as amended, all those in favour?

Mr. Ernie Hardeman: Recorded.

Ayes

Dong, Hoggarth, Potts, Vernile.

Nays

Hardeman, Hatfield.

Mr. Percy Hatfield: I thought I had my hand up.

The Chair (Mr. Peter Z. Milczyn): So the subcommittee—

Mr. Percy Hatfield: A clarification, please.

The Chair (Mr. Peter Z. Milczyn): One moment. The subcommittee report, as amended—

Mr. Percy Hatfield: No, before you do that, we voted on number 2—

The Chair (Mr. Peter Z. Milczyn): The vote's been taken, Mr. Hatfield.

Mr. Percy Hatfield: On number 11? I don't believe you mentioned number 11. You only—

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, I called the vote on the report, as amended. That was the vote that we had taken.

Mr. Percy Hatfield: But you did indicate number 2. You did not indicate number 11 on that.

The Chair (Mr. Peter Z. Milczyn): No.

Mr. Percy Hatfield: Am I wrong? I could be wrong.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, I asked you whether you wanted to table any further amendments. You declined—

Mr. Percy Hatfield: That's not my amendment.

The Chair (Mr. Peter Z. Milczyn): —and the vote was on the subcommittee report, as amended.

Mr. Percy Hatfield: Thank you.

Mr. Arthur Potts: Point of order: I didn't say anything in the midst of the vote, because I didn't want to disrupt the voting patterns. But I'd really appreciate it if we had a call for a recorded vote before you called the vote. The ask for a recorded vote came after we were already voting, which is contrary to the rule—

The Chair (Mr. Peter Z. Milczyn): It was contemporaneous, I think.

Mr. Arthur Potts: A little earlier would be appreciated.

The Chair (Mr. Peter Z. Milczyn): We don't have a stopwatch, so I don't know about that.

Mr. Arthur Potts: I appreciate that. The member knows better.

The Chair (Mr. Peter Z. Milczyn): The subcommittee report, as amended by Ms. Hoggarth's motions, has been adopted.

Is there any further business? Mr. Hatfield.

Mr. Percy Hatfield: On a go-forward basis, could all of our votes be recorded, please?

The Chair (Mr. Peter Z. Milczyn): I think you have to do that at the start of each meeting. You can certainly make that request.

The final item, that had been discussed previously: The FAO—the Financial Accountability Officer—had requested to have an informal meeting with members of the committee on finance and economic affairs. Given that our scheduled time will now be quite busy between now and the end of this session, would the committee be interested in having a lunch on an appropriate day when the committee is not sitting?

Mr. Hatfield?

Mr. Percy Hatfield: I have a note from Ms. Fife that she is available. I'll give you the dates when she's available that fit the schedule of the committee—

The Chair (Mr. Peter Z. Milczyn): Why don't you provide that to the Clerk?

Mr. Percy Hatfield: Sure. I will.

The Chair (Mr. Peter Z. Milczyn): I don't think we're going to take up our time now, trying to figure out what that day will be.

But as long as the members of the committee have unanimous consent that they're interested in having an informal luncheon with the FAO, we'll proceed to arrange that—

Interjection.

The Chair (Mr. Peter Z. Milczyn): —and that the committee authorizes the Clerk to make the arrangements and pay for the lunch.

Interjections.

The Chair (Mr. Peter Z. Milczyn): Do I have unanimous consent for that? Yes. All right, I believe that we have unanimous consent.

Committee is adjourned.

The committee adjourned at 1453.

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Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Thursday 5 May 2016

Journal des débats (Hansard)

Jeudi 5 mai 2016

Standing Committee on Finance and Economic Affairs

Municipal Elections
Modernization Act, 2016

Comité permanent des finances et des affaires économiques

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRSCOMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES

Thursday 5 May 2016

Jeudi 5 mai 2016

*The committee met at 0900 in committee room 151.*MUNICIPAL ELECTIONS
MODERNIZATION ACT, 2016LOI DE 2016 SUR LA MODERNISATION
DES ÉLECTIONS MUNICIPALES

Consideration of the following bill:

Bill 181, An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts / *Projet de loi 181, Loi modifiant la Loi de 1996 sur les élections municipales et apportant des modifications complémentaires à d'autres lois.*

The Chair (Mr. Peter Z. Milczyn): Good morning. I'm calling this meeting to order to consider Bill 181, An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts.

Written submissions received so far have been distributed. Each witness will receive up to 10 minutes for their presentation, followed by nine minutes of questioning from the committee, or three minutes from each caucus. I ask committee members to ensure that the questions are relevant to Bill 181 and to keep them brief in order to allow maximum time for the witnesses to respond. Are there any questions?

MS. DEB SCHULTE

The Chair (Mr. Peter Z. Milczyn): Our first witness is Deb Schulte, who is joining us via teleconference. Good morning, Ms. Schulte.

Ms. Deb Schulte: Good morning.

The Chair (Mr. Peter Z. Milczyn): You have 10 minutes to present, and I would ask, as you start, if you could just state your name for the record so we have it in Hansard. Also, to members of the committee: When we begin questioning, if you could introduce yourselves so that the witness knows who is asking her a question.

Ms. Schulte, just so you know who's here, I'm Peter Milczyn, the Chair; from the Conservative caucus, we have Mr. Fedeli and Mr. Hardeman; from the New Democratic caucus, we have Mr. Hatfield; and, from the Liberal caucus, we have Mr. Rinaldi, Ms. McGarry, Ms. Hoggarth and Mr. Dong.

You can begin now.

Ms. Deb Schulte: Thank you very much to all of you, and I do apologize for not being able to actually be there

in person. As you know, I have the honour and the privilege of serving as MP, and we're up here in Ottawa sitting this week.

I just want to start by saying how much I do appreciate the opportunity to present today on this matter and for all of your efforts to improve the Municipal Elections Act. Hopefully through these efforts we can steps to ensure a more level playing field for candidates and give democracy a chance.

I'd like to say a few things about democracy before I proceed because I'm doing this to try and ensure democracy works as it should. We all know the definition by Abraham Lincoln—"government of the people, by the people, for the people"—and we know the essential elements: the separation of powers, basic civil rights and human rights, religious liberty and the separation of church and state.

I've had the opportunity to run in three municipal campaigns in Vaughan over the past 10 years and I have served on York region and Vaughan council. What I saw happening, and in closed sessions, at times shocked and disappointed me. We all know the money being made from land speculation and the changes in land use, including upzoning. There is no problem with this at all as long as there is a separation of power between those converting the land and those profiting from this opportunity.

The problem occurs when people around the council table are obligated to those involved in this business. It does not just come from those donations given; the process starts with who is helped and how candidates are helped to win seats. Then, there is always the threat that if you don't play along, you'll get targeted in the next election. Let me just be very clear: There are many developers not engaged in this activity; however, for those that don't do it, they are, in fact, at a disadvantage.

For four years, I served as a regional councillor for Vaughan and was a voice for our new official plan, the Places to Grow Act, the greenbelt and for sustainable development. In the last municipal election, I had an extensive and expensive attack campaign anonymously launched against me.

This was not the first time this tactic was used in Vaughan with success. In 2010, an attack campaign had been successfully launched against some sitting councillors, and several lost their seats. In addition, favoured candidates had their campaigns boosted by undeclared paid volunteers by corporations or individuals. This ac-

tivity is not limited to Vaughan; I've heard many similar stories from other councillors in other municipalities around the GTA.

I was told that I benefited from that previous campaign in 2010. I heard, "We put you in and we can take you out." And that is precisely what happened to me. I lived with that threat every day for four years, and I know I was not the only one on our council to experience this. This pressure does influence councillors and it deters others from running.

I want to make it clear: I am not a bitter losing candidate. I believe I've had the chance to serve at the federal level because of what happened to me and I'm truly grateful for this opportunity. The federal rules make it more difficult to assert this type of influence. I have experience now, having run at the federal level as well. Their rules make it more fair. I understand the province is looking to go that way, and I'm thinking: Why should municipalities be allowed to continue to operate in the current backwater?

I've seen a lot of activities that undermine our democracy and need to be either stopped or brought into the open. Many are being addressed with your proposed changes; however, I believe we need to go further. If you believe corporate and union donations have unfairly influenced election outcomes—and if you look at Robert MacDermid's research over many years, he's connected the dots on developer funding and successful candidates, especially in development-rich areas—then they should be banned, as they are in federal elections, not made voluntary for municipalities.

Second, ensure third-party advertising is registered to an elector, preferably in the municipality, and make that registered individual follow the same financial rules as the candidates, with all the same limits. Funding and expenses need to be reported. Make it mandatory to identify all the flyers, emails and videos with an identifier so they can be traced back to the source. Make them follow the same rules as the candidates.

I'm not saying to stop third-party advertising; make it accountable. But enforcement is the key. You'd have to apply a significant fine for non-compliance, as denying participation in the next election will not be a deterrent for overspending or not following the rules. They'll just find another vehicle to do it again in the next election.

I saw people being used for this exact purpose in 2010. The second time, in 2014, it was anonymous. But there's no way to get at the behaviour and figure out who's doing it, because it's not illegal. Unless it's illegal, you can't find out who's paying the bills. This actually goes on.

You need to include "volunteer hours" that are paid for by external individuals as a contribution from that individual and make it subject to the same limits.

I have experienced this directly, the boosting by a developer that's not declared by the candidate. If they get caught, the candidates would just say that they didn't know their volunteers were being paid. This type of activity allows candidates to exceed campaign limits

without penalty, and it definitely does not support a level playing field.

I'm hopeful these suggestions may be considered as you debate the bill over the coming months. I really thank you for giving me the chance to share my experiences and my concerns. I believe we owe it to democracy and to the people to fix this.

I wanted to give more time for questions, if that's possible, so my witness statement is a bit shorter. I think I've given you the essence, and I think the questions will probably be more helpful if you want to fill in any more.

The Chair (Mr. Peter Z. Milczyn): That's not how we operate here, Ms. Schulte, so you do have a few more minutes if there's something additional you want to add.

Ms. Deb Schulte: No, I think that's fine. I think I've said what needs to be said.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. Our first question will be from the official opposition.

Mr. Ernie Hardeman: Ernie Hardeman, MPP for Oxford. I thank you very much for your presentation. I too have had considerable experience in municipal elections and in municipal office, and I appreciate and thank you for having done that.

I just want to ask a couple of questions and your opinion. The bill, of course—and I think you mentioned this—makes the restriction on advertising in municipal elections optional for the council. What do you think the likelihood is of council—in the areas you spoke of where there are problems with this type of issue, where the developers, in your submission, have more power than they should have for their donations—what's the likelihood of those councils making the decision to limit that advertising?

Ms. Deb Schulte: I'm just trying to make sure I understand your question. Are you talking during the time of an election, or during the time that the council is sitting?

0910

Mr. Ernie Hardeman: In order to change the status quo in municipalities in the next election, the council of today has to make a decision not to allow corporate and union advertising.

Ms. Deb Schulte: Yes.

Mr. Ernie Hardeman: What do you think is the likelihood of that happening?

Ms. Deb Schulte: I think for enlightened councils that are not heavily influenced by this problem, it's probably likely that they will do it because I think the public is very supportive of this direction. For those councils that are in challenge and are being influenced, it's going to be way more difficult.

I think that it would be very helpful to everybody if it wasn't up to councils. If this is the right thing to do, the province should make it mandatory. It shouldn't be up to municipalities to decide. I think the evidence is there that this needs to be changed. It's happening at all other levels of government. Why should the municipal government be allowed to operate differently? Let's make it con-

sistent across all three levels of government. That has to come down from the province.

Mr. Ernie Hardeman: Okay, thank you very much. On the other one, I just wanted to touch on third-party advertising and the suggestion to make sure that when they do the advertising during the election, that we can follow back as to where the money came from.

How would we deal with that, as provincially we've had the issue of a third-party organization structured with donations from everyone having their own name and there's no way for the people to actually find out? We can find out after the election, but we can't find out during the election who is actually behind that spending. How would you suggest to stop or change that to make that more accountable and transparent as to who is actually behind trying to do third-party advertising?

Ms. Deb Schulte: It's a very big problem and it's a challenge. I have some ideas, but I don't have the complete answer. A candidate has to present themselves. They have to be a real person. They have to exist in the context of that election, either in the municipality, in the province, or in Canada in the federal. I think if there's some threat of being found to be guilty of not following rules, eventually even after, they would have to stay within the rules.

I'm not saying to deny it completely; I think they just need to be following the same rules. And you're right to make sure that it is clear who is putting money behind that. I think it's a very preliminary first step. It would be important for the Election Act to say that you have to at least declare yourself as an entity. You have to have some context within the community—

The Chair (Mr. Peter Z. Milczyn): Ms. Schulte, I'll cut you off there because the opposition went over their time.

Ms. Deb Schulte: Okay.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Deb. It's Percy Hatfield from Windsor—Tecumseh. Thank you. I believe you said, "I think I said what needs to be said," and thank you for saying that, because I believe in everything you stated.

I used to be a reporter, as well as a seven-year member of city council, so I know what you're talking about. I know that Vaughan has a reputation across the province for exactly what you've talked about. It's not the only community; I have a friend who was a mayor in a nearby community who got into a fight with developers, and her husband got beaten up badly. She has since left political life. When you say, "We can put you in and we can take you out," they certainly can.

The banning of corporate and union donations: As I understand it, you would favour a mandatory ban, as opposed to a suggested ban from municipalities. Is that correct?

Ms. Deb Schulte: Absolutely.

Mr. Percy Hatfield: So is that your strongest recommendation to this committee?

Ms. Deb Schulte: I think it is absolutely one of the most important things we do. But, as I've said before, the

donations are just one of the ways that influence can be asserted. If you don't close the door on the third-party advertising, and to a lesser extent the boosting by volunteers who are paid for by the development industry and others, you really have just put in one stopgap measure and opened the floodgates on the others.

Mr. Percy Hatfield: I'm just trying to figure out how to get a handle on the boosting, though. How do you see somebody coming into a campaign office and keeping an account of who came into today, how many hours they were there and where they are normally employed or where they are coming from? How do you get a handle on those so-called volunteers?

Ms. Deb Schulte: I'll give you an example of what happened to me, and I'll try and be quick because I know our time is limited. I had a developer offer me some of his employees who were not busy. They said that they "would like to volunteer on your campaign," and I said, "Okay. That sounds reasonable." I was in my early days and I was pretty naive, and I said, "Sure; that sounds great."

I had one of my coordinators go out with them to make sure they followed the rules. I was very much a rule-follower and putting the signs in correctly. They just got casually conversing, and of course the people admitted that they were actually hired specifically to help campaigns put in signs. Immediately upon me finding this out, I went back and paid cheques to that developer for those two employees to make sure that that was—because I had a specific rule in my campaign commitment to people that I would not take donations from developers and corporations. It opened my eyes to all the different ways that it can happen, how they can influence. So I closed that door. I had the conversation with them. I said, "If you really, truly believe in me and you want to support me, then you would support my commitment to the people that I would not take donations."

Mr. Percy Hatfield: So, Deb, are you saying—

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, that was your time.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Good morning, Ms. Schulte. Lou Rinaldi, MPP for Northumberland—Quinte West. Thank you for taking the time to give us some of your feedback.

I just want to follow up a little bit. I think we got the gist of your presentation on corporate donations. I think it's pretty clear, but you didn't talk much about the union donation piece. Can you shed some light on your feelings about that part of it and how that relates? Let's not kid ourselves: Some unions did help on campaigns with some of their members. Whether they were paid or not, I have no idea. Can you shed a bit of light on that?

Ms. Deb Schulte: I don't have as much experience with union involvement. There's much more of that happening, I believe, at the federal and the provincial levels. It does happen in some cases at the municipal level as well; they're not as deeply involved. It really comes down to what the layers of influence are and what

level of government can best support the union members, and municipal probably not as much, except in probably the building trades.

I don't have as much experience in that. I try not to talk about things that I don't have a lot of experience in. It does happen, and I think it comes in not so much with donations but obviously you can see there is that element, but it also comes with the volunteers.

Mr. Lou Rinaldi: In the very short time we have left, I just want to change the channel a bit. The reforms—and I'm not sure whether you had the opportunity to look at the present legislation.

Ms. Deb Schulte: I did.

Mr. Lou Rinaldi: The reforms that we embarked on in general—with the exception of some of those things you talked about that you're very passionate about, and we get that: Is there anything else that we need to be aware of, or are you supportive of the direction that or the bill is going towards?

Ms. Deb Schulte: I am absolutely committed to and supportive of the direction the bill is going, but what I am telling you is, there are three things that you need to do in addition. One is, you need to make sure that it's mandatory for municipalities; second, if you don't close the door or at least tighten it up somehow on third-party advertising and the boosting through volunteers, you are just going to shift the focus onto those two aspects. You can get donations and support in many ways, and those are the three ways that it comes. All you will do is close off the donations somewhat and you will just open up the floodgates on the other two.

I'm telling you: There are three things you have to look at if you're really serious about ensuring fairness and that democracy works well. Those three things have to be done, and not all of those are in your bill. That's why I'm here in front of you today.

Mr. Lou Rinaldi: Thank you very much. I don't have any other questions. Thank you very much for your contribution. It's very much appreciated. All the best to you in Ottawa too.

Ms. Deb Schulte: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you, Ms. Schulte, for appearing before us today, albeit by teleconference. If there are any materials that you'd like to send to us, please do so. And good luck in your deliberations in Ottawa too.

Ms. Deb Schulte: Thank you very much, and good luck for the rest of the discussions today.

0920

COUNCIL OF CANADIANS WITH DISABILITIES

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. John Rae. Good morning, Mr. Rae.

Mr. John Rae: Good morning, Mr. Chairman and members of the committee.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes. As you begin, if you could just state your name for the official Hansard record, please.

Mr. John Rae: Good morning, Mr. Chairman and members of the committee. My name is John Rae, R-A-E. I live in Toronto. I've come here today to give a disability perspective on Bill 181, an Act to amend the Municipal Elections Act, 1996.

It has been suggested that the most important act any citizen performs in a democracy is casting one's vote. That needs to be an informed vote. The potential introduction of a new voting system—in this case, a ranked ballot approach—provides municipalities with the opportunity to do it right from the get-go. To offer you a sports analogy, you and your colleagues have the opportunity to give us the chance to score a touchdown in the area of accessibility and to make municipalities in this province a leader, not just in Ontario, but across the country. That's important. It is important that you and your colleagues seize this opportunity and not fumble the ball.

When I speak about making the system fully accessible, and I must emphasize the word “fully” accessible—section 11 of the bill speaks to this question. Subsection 2 provides that the clerk shall prepare a plan regarding the identification, removal and prevention of barriers. That is a useful framework, but that's all it is: a framework. In order to be successful, it must be added to and made more robust and prescriptive.

When I think about accessibility, we're speaking about a number of things. Clearly, voting locations must provide access. I know that in various municipalities, finding accessible locations for all polls is not an easy task. Fortunately for municipalities, Elections Ontario has conducted an extensive review of the polling locations that it uses. Clearly, municipalities may use some different ones, but I believe that this list and resource will be helpful to city clerks and town clerks as they select accessible polling locations.

Interpreters must be available. For people like me—a person who is blind—when I talk about accessibility, that involves the opportunity to vote independently and in secret, as you and all other sighted people can do. This requires the introduction of additional methods of voting, or alternative methods. Some municipalities use alternative methods; some municipalities already use a variety of methods. I'm referring, of course, to the option of using an electronic machine, as I can in the city of Toronto, where I live; or the possible introduction of telephone or electronic options.

In my work with Elections Canada, they have always been unhappy that I have never been willing to tell them which of those options I would prefer them to implement. I have done that purposefully in an effort to seem flexible—something that friends of mine wonder if I can be, but I do try. I assure you, my objective is very simple in not answering their question, because my objective, members of the committee, is outcome and not necessarily the system. I want a system that will make it possible for me to vote independently, in secret, like you

can. There are various methods that will accomplish that outcome, and they all may work. I suspect it's fair to say that more Ontarians have a telephone than have a computer, so perhaps that's the better way to go, but as I want to emphasize, my issue is outcome, not necessarily method.

I spoke earlier about the desire to be able to cast an informed vote. That requires additional measures beyond simply being able to cast one's vote on election day or in an advance voting opportunity. It requires that campaign offices be accessible so that members of the disabled community can visit their candidates or participate as volunteers. It requires that literature be available in a format that someone like me can read. It particularly requires that all-candidates meetings be held in fully accessible locations so that all citizens have the opportunity to come, learn what candidates have to say, and take part.

It also requires that campaign financing rules offer an accommodation to candidates with a disability who may incur additional costs in being a candidate. Some people may require specialized transportation. I might require getting certain materials put into Braille—aspects of the candidate that go beyond what you as a sighted, non-disabled candidate may need. Campaign financing regulations must, as other aspects of life do, provide accommodation.

In conclusion, members of the committee, the Charter of Rights and Freedoms, the Ontario Human Rights Code and the UN Convention on the Rights of Persons with Disabilities all speak to access. They all require governments to create a more equitable world for persons with disabilities. They all require that action be taken. You have the opportunity to help build a new system the right way, from the ground up, so that people like me don't have to bang on doors one at a time to get it fixed after the ball is fumbled. I urge you to add to section 11 to make it more inclusive and robust.

Thank you for the opportunity to appear. I'll happily respond to any questions you have.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for your presentation, Mr. Rae. We'll begin questions for you with the New Democratic Party. Mr. Hatfield.

Mr. Percy Hatfield: Good morning again, John. I remember campaigning, I believe, municipally. I went to a woman's door, and she was blind and she said, "I can't read your material." I said, "I'll read it to you." So I did that as the plan B fallback position. I have driven residents—the infirm—to the polls, to try to get them there. I have, at city council in Windsor, after hearing from the deaf community, who wanted sign language—on the local cable station, we were allowed to talk for two or three minutes about our campaign, but the deaf community didn't get it, couldn't understand it, couldn't hear it, so I raised the issue of the municipality paying for the signers when we did that.

I know a bit of where you're coming from, but I need some more clarification on it, however. I understand the

disability, the barriers, the plan, the follow-up, the literature, the Braille. I'm just not sure, when you started talking about ranked balloting, how that, for the blind, is any different from anyone else.

Mr. John Rae: It's not any different, but this is the introduction of a potentially new system, and the way in which one casts one's vote must be made accessible. That's why I'm here: to urge you to ensure that it will be.

0930

Mr. Percy Hatfield: I've heard from others that, if they're voting in a regional government, they might be electing 28 people or something; if you had to rank-ballot, you would have to rank them in order of precedence for your top down to the bottom. Would that be more of an issue for the partially sighted or the blind?

Mr. John Rae: It probably would be slightly more complicated. But I have asked this very question of one of the leading manufacturers of voting machines because I wondered this myself.

Typically, in Toronto, I am presented with a list of candidates for mayor that has 50, if not 60, names on it, but that's voting for one person for each office. These machines are experienced at doing that. So I asked the question whether it would be possible to rank a ballot; they say they have experience with this and that it can be done. I understand the idea would be that we might asked to rank our top three or top five. I hope we would not have to rank all 50 or 60. That would take a while.

The Chair (Mr. Peter Z. Milczyn): Our next question is from Mrs. McGarry in the Liberal caucus.

Mrs. Kathryn McGarry: Thank you very much, Mr. Rae, for coming in. You've got some great suggestions. I think that it's always very refreshing to have not just issues that come up but potential solutions and suggestions on how we can move forward to ensure that we've got fair and equal voting for all residents.

There are a few suggestions out there. For instance, the act already provides the municipalities with the authority to use alternative voting, such as voting by mail or by telephone or by Internet, and the use of machines, such as touch screens and vote tabulators. From what I gather from yourself, I'm not sure that all municipalities are using some of these various options. In your opinion, how do we ensure that we move forward with a range of options to suit the various disabilities that are there?

Mr. John Rae: Municipalities around Ontario are, shall I say, all over the map when it comes to the methods that are used. The thing is, I think most of them will work for us. Whether we're talking about a machine, a telephone voting system or an Internet system, those can all be made to work. What does not work for me is a paper ballot because, while you may be able to give me a template where I should be able to mark my ballot—I can tell you that I got interested in this issue one year when I had, I think, 12 candidates in a federal election. I should be able to count down to the sixth or seventh candidate. Most days I could do that, but I have to confess that I came away from that voting experience not being sure that I actually put my X in the right hole. That just

shouldn't be, especially when there are ways to prevent it.

Again, I emphasize that my objective is outcome, not necessarily method. I will take this opportunity to offer to you folks and to any municipal clerk or to the ministry my willingness to consult further on alternative methods, if I could be helpful at any point.

Mrs. Kathryn McGarry: I know that we very much appreciate that offer. To help identify, remove and prevent barriers that can affect electors and candidates with disabilities, we're proposing that the clerks would need to develop an accessibility plan and make it public before voting day.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mrs. McGarry; that was your time.

Our next round goes to the official opposition: Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. Rae, for your presentation—very thoughtful presentation.

I just want to follow up on Mrs. McGarry's question about the clerk having to prepare an accessibility plan prior to an election. That goes to, I think, the first comment you made in your presentation where you said that it's one thing, in section 11, to say that they have to develop a plan, but that doesn't necessarily get it done, and that we needed to do more. Could you just go a little deeper into your concern with the section that says that they have to prepare a plan and what your concern is with that that we have to broaden that?

Mr. John Rae: When I think about the Ontarians with Disabilities Act—that required municipalities to prepare plans. That was useful because that got disability issues on the radar screen of many municipalities who, hitherto, may not have given our issues great consideration. A plan is one thing; it's a good start.

How are these plans to be developed? In the disability rights movement, sir, we use the phrase, "Nothing about us without us." It's the clarion call of the disability rights movement. So in terms of the work of clerks in developing their plans, I have identified a number of options that would solve the barriers that I have identified. Involving members of the disability community from within their particular municipality or outside people like myself is the best way to develop a good plan. I have suggested that, in order to make it more effective, this committee needs to beef up section 11 of Bill 181 to be more prescriptive in making things happen.

Mr. Ernie Hardeman: It's one thing to look at what you need to do, but it's another thing to actually do it, I think is what you're saying.

Mr. John Rae: That's why I want more than just reference to a plan in section 11. It is a good framework, but we need to go further.

Mr. Ernie Hardeman: Very good. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Hardeman.

Thank you, Mr. Rae, for your presentation this morning.

Mr. John Rae: Thank you, Mr. Chairman and members of the committee, for giving me the opportunity.

MR. ROBERT MacDERMID

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Robert MacDermid. Good morning, Mr. MacDermid. You have up to 10 minutes for your presentation. As you begin, if you could please state your name for Hansard.

Mr. Robert MacDermid: Okay, thank you.

My name is Robert MacDermid. I'll be talking mostly about the campaign finance reforms in the bill and the third-party requirements.

Thank you for the opportunity to appear before the committee to comment on Bill 181. As you may know, I'm a professor of political science at York University, and I've been researching and writing about political finance and municipal finance in Ontario for about two decades. In that time, I have looked at thousands and thousands of municipal candidate campaign statements—probably far too many for my own health. I've also been involved in efforts to reform municipal politics in Toronto and the rest of the province and working with several different groups to bring about reforms to this act.

The principles: I'll just briefly state what I think is important in campaign finance legislation and how it relates to representation.

Democratic politics needs political finance systems that rely on small contributions from a broad base of citizens. High contribution limits and/or corporate and union contributors will, under the economic logic of fundraising—which you all know means that you chase the highest donor—inevitably drive representatives into the embrace of wealthy supporters, as we have seen time and time again. Lowering limits and excluding non-voters from political finance ensures that representatives must listen to and incorporate a broad range of opinions if they are to attract funding to campaign effectively. The campaign finance system must reinforce, rather than undermine, the purposes of representation. I think that's so important.

Let me go through the eight changes to the bill that I think are important. First of all: banning non-voter contribution sources. That means the banning of corporate and union contributions. But let's be realistic: The problem is with corporate contributions, not really with union contributions. Of all of the municipalities I've tracked, union contributions are trivial. There are a few where they are higher, but for the most part, they're trivial. I have clearly documented the relationship between the development industry and its significance of contributions to municipal councils, who, of course, approve development plans and create profits for developers, and, in doing so, also, of course, expand the municipal tax base for councillors.

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Bill 181 proposes a local option. I think that that's short-sighted. The local option provides reform where it's least needed and makes it less likely where it's most needed. In other words—as somebody asked of a prior presenter—it's very likely that councils that are dominated by development funding are not likely to pass this;

whereas, of course, those where development funding is immaterial are more likely to pass it. So, quite frankly, the local option will not get at what the reform has intended. Secondly, the Premier has pledged to remove corporate and union funding from provincial politics, so now is the time to be consistent and extend the same reforms to the same citizens when they vote at the municipal level.

Second of all, limits on candidate contributions: I recommend that we replace the limit on the size of contributions that candidates and their spouses can make to their own campaigns. Municipal politics in Ontario are unusual. It's unlike provincial or federal politics, where candidates can only give what other citizens can give. This allowance to allow people to self-fund their campaigns—sometimes to the tune of hundreds of thousands of dollars—simply prolongs the kind of economic inequality that exists in the system. It allows rich people an opportunity to run where poor people cannot. Self-funding needs to be removed from the bill. People have to rely, as I said, on small contributions from a broad base of people. Self-funding is also an issue because it opens the door to getting around the rules about contributions by illegally allowing somebody to give a cheque or give money to a candidate who can then give the money in their own name rather than having to give it obviously. I think that's probably something that goes on.

Third, the \$5,000 municipality-wide limit: When this was brought in 2009, there wasn't really an explanation for it. It seemed to be that it was just a rule against large contributors. Here I'm talking about a rule that says that no one can give more than \$5,000 to candidates in a single municipality. In the context of Toronto, that seems to make sense; there are 45 members on the Toronto council. However, in most councils—and although I couldn't find this number, I think most councils probably average seven or eight members—the \$5,000 limit allows one funder to give to a majority of council the maximum contribution. In other words, they can support the majority of members on that local council with maximum contributions. I think that's intolerable from a democratic perspective. That doesn't happen at any other level. I think it's very important to lower that limit to \$3,000, where, in the average council, that would mean that no one could do that—could exercise that degree of influence over a majority of council members.

Fourth, the oversight of financial statements: This bill gives new responsibilities to the clerk. I would point out that the clerk is in an employment relationship with council members, and I wonder if that is the best enforcement authority. However, I applaud the fact that global oversight is now going to be checked out by the clerk. In prior years, there was no enforcement of that rule, and, quite frankly, the global limit was broken with impunity by many people in a number of larger municipalities.

I would also argue that clerks or compliance audit committees should also be given the power to ensure that the campaign statements are complete. In my experience in looking at thousands of these, about a quarter of

them—and the statements of many sitting council members—are not complete. They flout the rules by not disclosing the addresses of contributors or the names of cheque-signers. That's routinely flouted by sitting members of council and by other people who are defeated. I'd say about a quarter of all of those statements that I've looked at have serious flaws, and this despite the fact that they are signed by an auditor. That is not an adequate enforcement method for rules about campaign finance. I also recommend that the clerk or the compliance audit committee review the statements when they're handed in and ensure that they are completed before they are made public on March 31 in the year following the election—five months after election day. They should be completely filled out by then. It's not an appropriate enforcement mechanism of the rules to leave it to citizens to make complaints to compliance audit committees. That's not an effective enforcement policy for making sure that these rules are followed.

Fifth, the contribution of paid labour to campaigns, which a prior presenter brought up: I want to be very clear what this is. This is not people who are volunteering to work on a campaign in their off-working hours; this is people who are being paid to work on a campaign by their employer and being paid to work on the campaign of their employer's choice. Employers don't go to employees and say, "Take the time off. You can work on any campaign that you want." They say, "If you want to work today, go and work on so-and-so's campaign."

This represents a huge black hole in municipal campaign finance, and probably in campaign rules at other levels as well. I would estimate that it's hundreds of thousands of dollars that go unreported, undisclosed and unlimited. It not only affects this; it affects the third-party spending rules as well, because you're opening a huge rule that would just allow employers to allow employees to go and work on third-party campaigns as well. There needs to be a way of correcting this.

The sixth point is third-party spending limitations. The Municipal Elections Act has in it the details about candidate spending limitations. There are no details here about third-party spending limits. This is a really important democratic question. How much should these people be allowed to spend? It shouldn't be left to the minister by regulation to pass this. It should be part of this debate.

I'm being asked to comment on this and I have no idea what the limit is. I don't know whether it's going to be high or whether it's going to be low; whether it's going to stifle citizens or whether it's going to make it impossible for candidates to speak. That must be in the bill for democratic purposes. It really must. It's in there for candidates; it must be in there for third parties as well.

I also believe that the third-party section needs to be better informed by a reading of the Harper decision, the Supreme Court 2004 decision on the federal third-party rules. It's pretty clear that they have a lot to say about how much that limit should be. If the limit is somehow not in accordance with Harper, it will be struck down

under the Charter of Rights and Freedoms very quickly, as soon as a case comes forward.

When you look at the problem of limits and what it should be, it's vexing, because there are 444 municipalities. They are of a huge range of size. In the ward that I live in, my candidate has a spending limit of \$6,000. What is the third-party limit going to be? If it's the same as the federal limit—about \$4,000—that's going to allow the third parties a huge megaphone. If it's too small, then it's going to silence them completely.

I should also say—I didn't put it in here—that there needs to be a threshold in the act about third-party spending. There is no threshold at all. If you do anything—if you put something on Facebook, presumably—you would have to register as a third party. In the federal act, there's a threshold of \$500. It should probably be something like \$1,000, so at least I can put up a webpage or something like that, some minimal expenditure that wouldn't require me to register—

The Chair (Mr. Peter Z. Milczyn): Mr. MacDermid, that's your 10 minutes.

Mr. Robert MacDermid: Oh, dear.

The Chair (Mr. Peter Z. Milczyn): I'm sure that we could go on much longer.

Mr. Robert MacDermid: I could.

The Chair (Mr. Peter Z. Milczyn): Questions are from Mr. Dong.

Mr. Han Dong: First of all, good morning, Professor MacDermid. That was very insightful. I see that you have eight points listed—all very interesting.

I have a couple of questions. You presented a very convincing argument about banning corporate and union donations. I think, morally, that is the right thing to do, and that's why, at the provincial level, we are doing so.

I want to ask: In your mind, do you think that that will, in its initial stage, pose some challenges to municipal candidates in terms of raising enough money to be sufficient for their campaign? Because at the federal and provincial level, it's a party. You have a bigger platform to raise money on and more media attention. But on an individual basis, do you think that they will have a problem raising money?

Mr. Robert MacDermid: No. The city of Toronto passed the rule in 2010, and politics occurred in the city of Toronto in 2010. Candidates raised money. I haven't done a study of it, but I suspect that they probably raised as much money in 2010 as they had raised in prior years when corporate and union contributions were permitted.

Mr. Han Dong: Why don't you think that it's a good idea to leave it to the municipalities to make that decision of whether to ban or not ban?

Mr. Robert MacDermid: As I said, I think that just leaves municipalities where the problem is greatest unreformed and municipalities where the problem is non-existent reformed. What councillor wouldn't vote for a proposition to ban corporate money, like my council in Brock township, where there's maybe \$500 worth of corporate money? That would be a wonderful freebie, wouldn't it, for them to vote against that or to vote to ban

it? In Vaughan or in Pickering or in Brampton, where corporate money makes up 50% or 60% of all of the contributions going to candidates, that might be more problematic.

Mr. Han Dong: My other question is about the spending limit on third-party advertising that you just mentioned. But you see the challenge, whether it's from municipality to municipality or whether it's a very organic group of citizens or organized interests. Do you think that it should be left to the municipalities to decide what the limit should be?

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Mr. Robert MacDermid: No. I mean, it's a problem, but the limit should be in the bill. Come on. This is a hugely important democratic question. To say that it should be done by the minister in his office with a few advisers is problematic.

Mr. Han Dong: Have you considered that it could be in the regulations, so that the amount could be changed more—

Mr. Robert MacDermid: Yes, I think that there should be an escalator clause in there of some sort or some description, which might relate to the size of the community, and which might vary the cost, absolutely. Or it could be simply a percentage of a candidate's expenditure limit, which is effectively what the federal rule is. It's about 4% of a federal candidate's expenditure limit.

Mr. Han Dong: Any opinion on ranked ballots?

The Chair (Mr. Peter Z. Milczyn): That was your time, Mr. Dong.

Mr. Fedeli?

Mr. Victor Fedeli: Thank you very much, Mr. MacDermid, for this paper, which you and I could have actually co-written.

Mr. Robert MacDermid: Ah. What an honour.

Mr. Victor Fedeli: It's refreshing to see this, so thank you.

I'll have full disclosure here, for 30 seconds: Back in 2003, I successfully ran for mayor, and my printed policy the day I announced my candidacy was, "I will not accept corporate donations. I will not accept union donations. I will not accept anything more than \$100 from any family, including my own as the candidate, and I will run a full-page ad the Friday before the Monday election to announce every single one of my donors." There were 300 \$100 donors; the \$30,000 was well under the campaign limits at the time, and I won with a 75% majority. This is also a testament to the fact that these rules can work.

I want to talk about an area that I couldn't get involved in: paid labour in campaigns. I couldn't fight that, if you will. I wouldn't accept paid labour from campaigns. But how you follow up on this is the area that I want to talk to you about. How can we control this? Give me some ideas.

Mr. Robert MacDermid: Well, I think the candidates have to ask volunteers if they're being paid. If volunteers lie, then there's nothing that can be done. But clearly that

would be the simplest way: “Are you being paid by your employer? Why are you here at 3 o’clock in the afternoon? Are you being paid or are you not?” That’s the simplest way to do it, I think, but maybe that’s not—you’re looking puzzled, so maybe I didn’t answer the question. Sorry.

Mr. Victor Fedeli: That may be on one side of the coin, then, with respect to some of the corporate side that you’re looking at. What about the union side, where you’ve got employees who go out and bang out signs at night and that type of thing?

Mr. Robert MacDermid: At night, when they’re not being paid by their employer? I see no problem with that.

Mr. Victor Fedeli: Well, that’s different if they’re not being paid by their employer. I know when I ran provincially, I had to face employees of a certain group who were paid \$220 a night to hand out literature against me. I brought it up—

Mr. Robert MacDermid: By their union? Or not by the candidate?

Mr. Victor Fedeli: It’s a group. They were not paid by the candidate, and the candidate didn’t have to, and didn’t, declare any of those funds. Would you think that that’s an area we could be tightening up on?

Mr. Robert MacDermid: Well, that’s it. As I said, it needs to be declared—no, it shouldn’t have to be declared; it’s illegal. It shouldn’t be allowed. I’m sorry—I don’t mean it’s illegal; it shouldn’t be allowed. I think that the candidate has to be the front of the enforcement of that by simply asking volunteers, “Are you being paid by somebody else? You cannot work on my campaign if you are. Please come back when you’re no longer on working hours. I’d love to have you, but I don’t want to have you when you’re being paid by your employer.”

Mr. Victor Fedeli: So you think it can only be on the honour system? Are there any amendments that we can put in that you would—

The Chair (Mr. Peter Z. Milczyn): Unfortunately, that’s your time, Mr. Fedeli.

Mr. Victor Fedeli: Thanks.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: Bob, you’re one of the provincial experts on campaign finance. Could you tell the committee what your research has shown in the Lake Simcoe watershed communities—the development communities’ contributions and how they shape the makeup of the dozen or so communities in that watershed?

Mr. Robert MacDermid: It varies quite a bit across the—I looked at, I think, 13 municipalities in the Lake Simcoe watershed. Those are all different municipalities. They have different electoral systems. Some, like Aurora, are multi-member districts, and others—they’re different sizes and so on, and there are different degrees of development there.

When you look at the monetary value of the development permits issued in a year and the amount of money coming from developers in that municipality, they correlate quite wonderfully. I’ve seen this since I’ve been writing about it in 2000, 2003 and 2006.

There’s a huge relationship between where development occurs and the amount of development money that goes into campaigns. In some municipalities, it can be 60% or 70% of the money going to all of the candidates, and in some cases, it can be even higher for elected councillors. I’ve seen elected councillors 80% of whose funding came from the development industry, either directly from corporations or from individuals who are connected to the development industry. That’s a huge concentration of influence, and of course what it ends up being is unregulated urban sprawl in many of those municipalities where development interests are greatest.

That affects us all. We all sit in car jams all the time, often in suburban communities, because urban planning was absent, because developers’ wishes were followed, because urban sprawl was allowed. That comes back to affect us all, and I think it’s particularly important around Lake Simcoe, where issues of pollution are foremost and where developer building—because it’s beyond the greenbelt—is most pressing, in many communities where it’s not controlled beyond the greenbelt.

Mr. Percy Hatfield: And what did your research show about where the development money came from? Was it from local developers or money from outside the community?

Mr. Robert MacDermid: It mostly, of course, comes from outside the community. As you probably well know from casual observation, many developers live in Vaughan, and their corporations are headquartered in Vaughan, yet they give very generously in the 20 or 30 other communities in southern Ontario where this is a problem.

The problem of developer influence is compounded by external influence as well. Many voters are now subject to support for councillors that comes from outside their community and that isn’t attentive to what community issues are about; it’s only concerned about development projects. I think that obviously distorts local democracy.

Mr. Percy Hatfield: What would the Donald Trumps of the world do if they couldn’t self-finance their campaigns?

Mr. Robert MacDermid: Well, I think Mr. Trump probably could raise money, but yes, it’s an important point.

I just add one other thing: the registration of third parties. I think that the Supreme Court will strike down this bill, because you contemplate registering third parties for the entire almost six-month election term. If you read Harper, you will see that they would not tolerate a limit on freedom of expression under charter section 2(b). They would not limit that or entertain that for six months, so I would recommend that you shorten that to two months at the most.

Finally, the disclosure point that I’d like to just quickly add is that it’s about time we grew up in Canadian politics. In American politics—you just mentioned Mr. Trump—I can look up who gave Mr. Trump money last week. Nowhere in Canadian politics can I look at this at all.

This is not rocket science. For any municipal candidate, we could arrange cloud-based software that could disclose. In fact, in the last three election campaigns, the candidates for the mayor of Toronto have disclosed before election day because they felt the pressure. Citizens wanted to know, because they found this to be an important piece of information.

So we need to get over that. I think citizens deserve to know who's funding them—not five months after the campaign; I mean, that's useless information five months after. Why not a week before?

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. MacDermid.

Mr. Robert MacDermid: Thank you.

The Chair (Mr. Peter Z. Milczyn): I gave you a little bit of extra time there to finish your remarks.

Mr. Robert MacDermid: Yes, thank you. I appreciate that.

The Chair (Mr. Peter Z. Milczyn): If there are any other further written submissions you'd like to make, please feel free to do so.

Members of the committee, we have two housekeeping matters that I have to ask you about. Is there a request for Hansard to prioritize these public hearings, in order for legislative research to be able to do their summaries? Does the committee want to formally ask for these proceedings to be prioritized by Hansard?

Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chairman, I think that in our debate prior to this, there has been real concern expressed by some members of the committee that, in fact, there was not enough time between the end of the presentations, the formulation of proposed amendments and the time that amendments are supposed to be in. So I think anything we can do to speed up the process—that is, to ask for the enhanced service from Hansard—is a good idea, and I would suggest we do it.

The Chair (Mr. Peter Z. Milczyn): So we're all agreed on that point? All right, so it's unanimous consent.

We have one other request. One of our witnesses, a Mr. Alex Cullen from Ottawa, has requested reimbursement for his travel expenses to come to Toronto to make his presentation at committee. He has requested to be reimbursed for his mileage up to the maximum amount of \$308. It's up to committee whether it wants to grant this request or do something else with it.

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Mr. Lou Rinaldi: Just for clarification, is this something we normally do? There are other options, like phone.

The Chair (Mr. Peter Z. Milczyn): It is in order for somebody to request to be reimbursed. This gentleman has been advised that he could be a witness by teleconference. He prefers to come in person.

Ms. Ann Hoggarth: Is this person disabled?

The Chair (Mr. Peter Z. Milczyn): I do not know that.

Mr. Ernie Hardeman: Mr. Chairman, I think the committee does provide other opportunities. I'm sure the presentation Mr. Cullen would make would be worth the price of admission, but I really think that if we're going to have that service available through the committee, then that opportunity should have been given to other people as we started the process rather than do it now and one person gets special consideration.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: I gladly support the concept. I just want to make sure it's not precedent-setting. Has this been done in the past?

The Chair (Mr. Peter Z. Milczyn): The Clerk advises me that certain requests have been accommodated in the past, but it's on a case-by-case basis.

Mr. Lou Rinaldi: I would say that if there's a specific reason why it has to be accommodated, then we need to know what that is and we'll make a judgment. But just for the sake of doing a presentation, I think the telephone works great.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: With your permission, Chair, I would suggest that the reason the request is here is because the committee is here as opposed to travelling this bill around the province, which we did ask for at one point.

The Chair (Mr. Peter Z. Milczyn): I will ask the Clerk to attempt to contact this individual between now and when we reconvene in the afternoon and inquire whether there is some special accommodation that needs to be made. I guess we could revisit this, this afternoon, if there's some further information that would assist us. All right?

With that, the committee is recessed till 2 p.m.

The committee recessed from 1002 to 1401.

The Chair (Mr. Peter Z. Milczyn): Good afternoon. Committee is back in session.

Members, before we broke, we had a discussion about a request from Mr. Cullen for reimbursement of his travel expenses to Toronto. The Clerk has confirmed with this individual that there are no special accommodations that are required. It's simply that Mr. Cullen is making this request.

Mr. Ernie Hardeman: Mr. Chairman, just like you, I'm broke, too—you said "before we broke."

Unless we have extenuating circumstances—I think in the past I've had a number of times where it happened, where there were meetings scheduled out of the city, in a certain other city or something. When it changed that we weren't going to meet there and someone who had already put their name in was asked to come to Toronto, I think under those circumstances the committee might want to give some consideration. But I see some challenges if we start, just for the asking, paying everybody who wants to get paid. I don't think that's—

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I guess I see it from a different light. Had we gone to Ottawa and travelled the bill like we had requested, we would have

been paying for 20 or 25 people to go to Ottawa. As opposed to that, now one person in Ottawa is asking for reimbursement to come here. Look at all the money we're saving. I would suggest that we accommodate his request.

The Chair (Mr. Peter Z. Milczyn): Are you making that as a motion?

Mr. Percy Hatfield: I am.

The Chair (Mr. Peter Z. Milczyn): All right. Ms. Hoggarth. And let's please all be mindful of the time and that we have a number of witnesses—

Ms. Ann Hoggarth: If he's made a motion, can I say anything before we vote on the motion?

The Chair (Mr. Peter Z. Milczyn): Yes, the motion is debatable. I'm just saying, please be mindful of the time.

Ms. Ann Hoggarth: Okay. My feeling is that had the rules been set out for everyone that way, that they could be reimbursed, and had we decided on that—or the government had decided on that, the Legislature had decided on that—then I wouldn't have a problem with it. However, because this is one person and there are no real extenuating circumstances, I don't believe we should pay for it.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: I agree with the member's argument. If we had gone travelling in the province and given more people an opportunity closer to home to have the meetings, it might have been, but then in the second comment I think that's where the Conservative philosophy and the New Democratic philosophy differ. Just because we saved the money doesn't mean we have to find a place to spend it. If we look at the government today, we have already spent considerably more money than we had, so this hopefully will help us achieve a better balance in our deficit. So I oppose the motion.

The Chair (Mr. Peter Z. Milczyn): Any further debate? None. So, on Mr. Hatfield's motion to reimburse this individual for their travel expenses, all in favour? Opposed? That does not carry.

We will now resume consideration of Bill 181, An Act to amend the Municipal Elections Act, 1996, and to make complementary amendments to other Acts.

Each witness will receive up to 10 minutes for their presentation, followed by nine minutes of questioning from the committee or three minutes from each caucus. I ask committee members to ensure that the questions are relevant to Bill 181 and to keep them brief in order to allow maximum time for the witness to respond. Are there any questions? No?

CAMPAIGN FAIRNESS

The Chair (Mr. Peter Z. Milczyn): I will call our first witness of this afternoon. Ms. Malcolmson, please come forward. You have up to 10 minutes for a presentation. When you start, if you could please state your name for the official record.

Ms. Claire Malcolmson: Thank you. My name is Claire Malcolmson. Hello, good afternoon, esteemed members of committee. Thank you for having me here.

It is a pleasure to share with you today Campaign Fairness's proposed amendments to Bill 181. I've been the executive director of Campaign Fairness since its inception in 2014. My 15-year career in environmental education, outreach and policy has focused on water planning, watershed planning and Ontario, in particular, with a real emphasis on Lake Simcoe.

First, I wish to congratulate the government for introducing this bill and for listening to concerns about campaign financing. I want to thank all committee members for doing your best to make this bill as good as it can be in order to support the goals it sets out to achieve.

Campaign Fairness is the brainchild of my long-time colleagues and collaborators, Bob Eisenberg and David Donnelly, who encouraged people like me, who were looking at Lake Simcoe—the impacts of urban sprawl and its impacts on the lake and water quality—to look at root causes of the problems affecting Lake Simcoe.

I concur with them that the standards and priorities of municipal councillors and councils have an enormous impact on the daily lives of the residents within their boundaries, both human and non-human residents. It's from this position that we chose to look at the factors affecting who gets affected municipally, with whose money and how that might be improved to better serve the long-term interests of residents and future generations and ecosystems.

Campaign Fairness board member and associate professor of political science at York University, Bob MacDermid, whom I believe you heard this morning, analyzed the financial statements of Lake Simcoe watershed candidates in the 2014 municipal election. The following research highlights support our recommendations for changes to Bill 181. I'm not sure if he went into this this morning, but we worked very closely together, using his research to come up with our positions and to validate our campaign in fact.

Just five highlights:

(1) Corporate funding influences the outcomes of municipal elections.

(2) Less than half of 1% of the population contributed to a campaign in the Lake Simcoe area in 2014.

(3) Money from the development industry makes up more than half of all money from corporations.

(4) The development community spends more on elections where more development activity is occurring. So where there is more money spent on building permits, there is also more money spent on campaigns.

(5) More than half—just about 60%—of the total contributions to candidates came from outside the municipality where the candidate was campaigning.

These research highlights demonstrate that there is a need for some change.

I know you've all have received Campaign Fairness's recommendations because I've emailed them. Also, you have a copy of my presentation. So I'm going to go

through them as much as I can cover in the time I have, and put a little more meat on the bones.

The first recommendation is to ban corporate and union contributions to municipal election campaigns. As you know, Bill 181 allows municipalities to do that. This is a very good step. We're really happy with this, actually. Of course, we would like this to be mandatory. We think it'll just take a really long time for this to be enacted in Ontario municipalities. When and if the province bans corporate and union contributions to provincial election campaigns, we ask that you revisit the Municipal Elections Act at that time, too, in order to make this change mandatory.

We do understand that it is politically risky to ask municipalities to do something the province is not willing to do themselves at this point, but it is my understanding that AMO has asked that they be treated the same as the province. So my only question to the committee is: If that's the case, then what reason can you offer to not revisit the Municipal Elections Act when Ontario changes its own priorities for campaign financing?

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Ontario's water and natural and agricultural spaces really can't wait for each and every municipality to curb whatever undue influence the development industry, other corporations, or donors are having on some councils by opting to make that change; nor can we really afford to delay an improvement in civic participation in municipal politics. Banning corporate and union contributions would help restore faith, I believe, and increase democratic participation in municipal politics.

Recommendation 1, part 2, is very much connected to the first one. We see the two as being quite closely tied together; that is, encouraging support from individuals by requiring contribution rebate programs. This was not changed in Bill 181. Why is this an important change? Basically, it's really the need to increase participation. The contribution rebate programs provide an incentive for individuals to contribute.

We've heard a number of questions from committee members actually, as well as others—and I will try to address them now. One question is: Which municipalities are offering the rebates and how do they work? There are at least six municipalities in Ontario that do this. They vary in size and type. Some municipalities will only rebate a low amount, \$75 to a contributor; Toronto goes up to \$1,000. So there's a lot of variety there. Some only offer rebates to residents of the municipality. Some don't offer rebates to corporations and unions. Most of the rebate programs seem to have an impact on individual citizen donations, but that is not true absolutely across the board—I don't want to be a liar about that.

Who pays for the rebates? We asked for a universal requirement for a rebate program, but we didn't go into detail about how that would be paid for. In short, the legislation allows municipalities to pay the rebates themselves, so we would hope that municipalities would use that power increasingly.

We hear the argument that municipalities can't afford it. One could argue that rebates are paid for by all cit-

izens and given to viable candidates who receive some support from individuals, which I think is some identification of their viability. This, actually, may be more fair—having the tax base refund and, in an indirect way, support that candidate—than having unions and corporations do so.

What are the benefits of offering the rebates? I'm just trying to summarize here.

Professor MacDermid looked at nine inner GTA municipalities in the 2014 municipal election. In three of those municipalities, the rebate program is in place. Of the nine, the average level of individual contributions was 39%. In two of those municipalities that offer contribution rebates, Markham and Vaughan got 61% and 51% respectively in individual contributions. That's 12% or 13% higher than average. It's quite good.

Vaughan is an interesting case because they instituted their rebate program in the middle of Professor MacDermid's studies. Before the rebate program, in 2006, individual donations in Vaughan were just about 20%, and after 2014—so two elections later—it was up to 50%, so a 30% increase. It's really significantly higher. Sorry—the previous numbers I said were 12%; it's more like 20% higher in the other ones.

Another question was: Do the rebates increase the amount donated by individuals, or do they increase the number of individuals giving? I asked a number of municipalities that use this program to provide some information, and what I heard was, in Markham, in the two periods when they were offering the rebates, they issued 500 more rebates in the first election when it was allowed and 500 more in the next election it was allowed. That's a significant increase: 500 more each time. The amount contributed went up a little bit—\$5, \$25, average—over that period of time as well.

In Ajax, however, the clerk did some major analysis. The conclusion of a very long series of charts was that the program actually had—

The Chair (Mr. Peter Z. Milczyn): I'm sorry, Ms. Malcolmson, that's your 10 minutes.

Ms. Claire Malcolmson: Oh, okay.

The Chair (Mr. Peter Z. Milczyn): We'll start our round of questioning now with the official opposition. Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation today. I guess it would be helpful, in my question, if you just finished the last comment on what happened in Ajax.

Ms. Claire Malcolmson: This is for you. In Ajax, the clerk analyzed the data and said that the program had little appeal to low-value donors, who gave a small contribution, and no influence on the total amount contributed.

The overall is that these programs are helpful, but as I said before, it's not exclusively the case. We have a lot of candidate self-funding that balances.

Mr. Ernie Hardeman: I just wanted to go—and it was intentionally, Mr. Chair. I did want that on the record for my question. Obviously, a lot of municipalities have

to make that decision as to whether they want to do the rebate program or not. Obviously, it's to do with the tax system, too. But I wondered if it makes it more attractive, that you get more value for your money when you donate, and whether more people will donate, recognizing it is hitting the same taxpayer as the one they have to collect it from. Does it actually increase the contribution per person or does it increase the contribution—

Ms. Claire Malcolmson: In the two cases that I can—well, for Markham and Vaughan, what I can tell you is that the total amount of money went up more than 20% after the rebate program was put in place. I actually just spoke to a councillor from Oakville, and he said that he doesn't know exactly but he's quite sure it has increased the amount contributed.

We haven't had enough time to give a really thorough answer to that question. In the case of Ajax, the answer is no, it does not increase the number of contributions or the value of contributions, but in Markham, it does both increase the value and the number of contributions.

Mr. Ernie Hardeman: The second item of that, of course, is that I have some concern that if you're using the rebate to encourage more contributions, isn't that kind of counterproductive to what we're trying to do? We want more people involved, not necessarily to raise more money for election purposes. We want an even playing field for everyone and we want to get more people involved. Making it a rebate to encourage more spending: Is that really going to solve the problem of participation of the public?

Ms. Claire Malcolmson: Well, it's just one way for people to contribute. I do think that the risk of changing the way that campaigns are financed is that you leave it up to people who are wealthy enough to cover the entire campaign cost themselves, and that's not what we want. So in order to counterbalance that, you need some way to incent individuals to donate. It's up to the municipality to decide at what amount of donation they start to use that program. You could say, "At \$50, we'll give you 50% back," so that lower-end donations do come in from people who don't have—

The Chair (Mr. Peter Z. Milczyn): Thank you. That was your time.

Mr. Hatfield.

Mr. Percy Hatfield: Good afternoon, and welcome.

Ms. Claire Malcolmson: Thank you.

Mr. Percy Hatfield: I have a question about your position on self-funded campaigns. If an Ontario Donald Trump wants to pay for his or her own campaign, what, in your opinion, should be a cap, if any, that would be placed on a self-funded campaign?

Ms. Claire Malcolmson: As an organization, we don't have an answer to that question per se. I do think that, yes, it would be interesting for the committee to come up with a suggestion for that, because that would help encourage using more individual donors. Maybe it's a percentage that you look at, that you want to encourage a candidate to get a percentage of individual donations, as well as their own funding.

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Mr. Percy Hatfield: Earlier today, Bob MacDermid was talking about the Supreme Court case, the Stephen Harper case and the precedent there, and suggesting to apply those rules. The Supreme Court would probably strike down the third-party advertising restriction that would be a gag order for six months as opposed to a two- or three-month gag order, if you will. Do you have anything further to say on that?

Ms. Claire Malcolmson: I don't know the court case you're speaking about, but if you want to—

Mr. Percy Hatfield: No, I'll just go on. It would take me all my time to tell you what it was.

Financial reporting: Bob also talked about doing it one week prior to the election as opposed to five months after. What's your opinion on that?

Ms. Claire Malcolmson: I think it would be amazing. A big problem in the way things are working right now is that people don't know who's funding their candidates. I've heard from this government that it's not reasonable to put that information up on a website as elections are going on. I really find that a bit hard to believe at this stage in our technological ability in this world.

I think that would give citizens a great measure of confidence in knowing who they're going to vote for and would help the people who are doing their very best to run a really ethical campaign, whatever that means for them, to show people whose votes they want what that looks like for them.

Mr. Percy Hatfield: You could probably do it on a daily basis, let alone—

Ms. Claire Malcolmson: Sure.

Mr. Percy Hatfield: That's the technology of the world we live in today, right?

Ms. Claire Malcolmson: It can't be that hard.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Hatfield. Ms. Hoggarth.

Ms. Ann Hoggarth: Good afternoon, Ms. Malcolmson.

Ms. Claire Malcolmson: Thank you.

Ms. Ann Hoggarth: I don't know whether you know, but I'm very interested in Lake Simcoe, too, because I'm from the riding of Barrie and I think my mayor is very involved in your group as well.

I'd like to know what your perspective is on the proposal to require municipal clerks to conduct a proactive screening of financial statements for potential contraventions made by contributors for over-contributing to municipal election campaigns.

Ms. Claire Malcolmson: I think that's a good idea. I feel a bit sorry for the clerks, who seem to have quite a lot more work on their plates as a result of this. It would be worth considering if there's some additional spending that needs to happen to help the clerks do that job better. It's a really important job. At the provincial level there is some oversight for this type of accounting. I think some help is needed there.

Ms. Ann Hoggarth: This morning, someone alluded to the fact that perhaps with the clerk being an employee

of the municipality, there may be some conflict of interest for them doing this when they're checking up on the people who are actually her or his bosses. What do you think about that?

Ms. Claire Malcolmson: That's true, but I think most people who have jobs come up against something like that a lot of the time. So the best solution would be for an independent committee, some sort of body that is not the clerk, doing this work so they don't have any ties to their political masters. That seems like a real stretch. It didn't seem like we were going to get that.

Giving the clerk additional powers is important but making clear what their legal obligations are is most important, because then they need to justify doing what they're doing and they need to know that there are some serious consequences if they don't do their job. So I encourage you to try to make sure that those loops are closed.

Ms. Ann Hoggarth: Do you have any other suggestions on how we could increase electoral fairness other than what we've talked about here today?

Ms. Claire Malcolmson: Really, I think our recommendations are fairly comprehensive. If the amendments that we're proposing are seen in the bill, then we'll have a pretty high-quality piece of work here.

Ms. Ann Hoggarth: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. If you have any further submissions you'd like to make to the committee, you have until 6 p.m. on Thursday, May 12.

Ms. Claire Malcolmson: Okay. Thank you. You've got it.

The Chair (Mr. Peter Z. Milczyn): Thank you very much.

THE GREEN PARTY OF TORONTO

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Alan Kasperski. Good afternoon. You have 10 minutes for your presentation. If you could please state your name for the official record as you begin.

Mr. Alan Kasperski: Certainly. My name is Alan Kasperski, and I'm the leader of the Green Party of Toronto. I appreciate the time that you've allocated to me because I wanted to talk about something that is not in the amendments to the Municipal Elections Act.

Let me start by giving you a quote from the Supreme Court. Justice Frank Iacobucci, whom some of you may be aware of, said two things in a case from 2003: "Inequities in the electoral system are not acceptable merely because they have historical precedent and institutions are not constitutional merely because they already exist."

What I'm asking for, very simply, is what all of you have right now when you campaign. You're members of political parties. When a voter goes to vote for you at the ballot box, he knows which party you belong to. It's clearly on the ballot, your party affiliation. Why is that important? Because it has an educational-informational component.

If there was an election today and all of you were running, I don't know anything necessarily about—other than knowing some names—the various people in the room. I know Mr. Milczyn from his days at city council, but I don't know what you believe as far as factory farming; I don't know what you believe on a whole range of issues. But I do know that you're a Liberal or a Conservative or a member of the NDP. Because my politics are closely aligned to one of those parties—or may be—I can have some confidence by voting for one of you, simply because the party affiliation is on the ballot.

Party affiliation is on the ballot provincially and federally—in numerous other parts of the country—Quebec—but not in Ontario for two reasons: We don't have municipal political parties. There is no reason why we shouldn't. There is nothing to prevent us from having municipal political parties.

The act right now doesn't allow for it. It's unconstitutional—so said Frank Iacobucci, Beverley McLachlin, Louise Arbour and other members of the Supreme Court at the time. They also defined how many people, how you register a party and what constitutes a party. The guidelines of the federal government and the provincial governments are a little bit different.

What I'm asking for is to correct a problem with the act now. This doesn't necessarily modernize it; it brings it in line with what the court has said—and not just the Supreme Court, because this came out of a case at the Ontario Superior Court of Justice, which went to the Ontario Court of Appeal and went to the Supreme Court. In all three instances, they argued about what constitutes a party. But in all three cases, they said that party affiliation on the ballot is a required part of our democracy.

So, basically, what I'm asking for is to add a provision in the act to say, "On the ballot, party affiliation will be there," and how do you register parties. This doesn't mean that you have to go back and rewrite. This is something that you can pull right out of the Election Act of Ontario, because it's clearly in there what needs to be on the ballot. Elections Ontario has a very simple process for registering political parties. It's a one-page form.

There are 444 municipalities across Ontario; they're all, of course, different sizes. I think that some consideration would have to be given for the size of the municipality as far as the number of people that would constitute a party. Federally, it's 250 members. Provincially, it's 1,000, or two candidates during an election.

I would suggest that there would need to be, probably, three tiers—small, medium, large—in Ontario. But that's effectively what I'm asking: make a correction to the act to make it constitutional.

Thanks very much.

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The Chair (Mr. Peter Z. Milczyn): Thank you very much. You did have quite a bit of time left.

Mr. Alan Kasperski: Oh, I've got opinions about all the other stuff, but I figured I'd focus on one thing because, clearly, there are other people who can speak to ranked ballots and finances. We do have positions on

those things, but, in a sense, this is, to us, something—this is not new. We have been pursuing this for some time. We have brought this to the attention of various members of the government and said, “Why hasn’t this been corrected?” The response I got was, “We don’t support political parties at the municipal level.” And I asked why.

This is not a discussion about whether they’re good or bad. If I run for mayor from the Green Party of Toronto and have three people vote for me—myself, my family—and nobody else, I’ll get a pretty good answer about what people think about political parties. But I dare say any of you can look at city councils in your own communities and you know which parties councillors fall into.

Thanks very much for your time.

The Chair (Mr. Peter Z. Milczyn): Thank you. We will start your round of questions with Mr. Hatfield.

Mr. Percy Hatfield: Thank you for being here, Alan. I have been a New Democrat for three years. Prior to that, I had no party affiliation. I served seven years on Windsor city council. What would I do at election time? What would you suggest I put on my ballot—some kind of party affiliation?

Mr. Alan Kasperski: The same thing that occurs now federally or provincially: independent. That would be your choice. If you wanted to put “independent,” you could, and there are provisions for that. If you wanted to put nothing at all, you could put nothing at all.

To be on the ballot as a party, you would have to be an official candidate from the party. There would have to be some balance there. You couldn’t just say, “I want to be from the Pirate Party.” You could put “independent” if you wanted.

Mr. Percy Hatfield: When you’re quoting the Supreme Court, was that a decision about Ontario municipal elections?

Mr. Alan Kasperski: It was a case that started in 1999. The Communist Party of Canada in a federal election—

Mr. Percy Hatfield: Federal, not municipal.

Mr. Alan Kasperski: Federal, but—

Mr. Percy Hatfield: So what you’re quoting is a Supreme Court decision—a minority or a majority decision—on a federal ballot, not a municipal ballot?

Mr. Alan Kasperski: No. The case went from Ontario—originally filed in Ontario—up to the Supreme Court. They made no distinction about whether it was federal, provincial or municipal. In fact, what happened after the Supreme Court decision is that legislation was changed to add party affiliation.

Mr. Percy Hatfield: Not at the municipal level.

Mr. Alan Kasperski: And that was one of the big questions at the time: Why? When I talk to people and I say, “The Green Party of Toronto, the Liberal Party of Toronto,” “Oh, we can’t have parties at the municipal level.” Really? There’s nothing in the Municipal Act that says you can’t.

We don’t know why, going back 15 years, it wasn’t done municipally. It was in British Columbia, it was in Quebec, but in the—

Mr. Percy Hatfield: Manitoba at one time.

Mr. Alan Kasperski: Yes. In Ontario they tried to start an NDP, the greater—Jack Layton and his group wanted to start a party in Toronto. There was no distinction in the decisions at all three levels between the various levels of government.

Mr. Percy Hatfield: All right, thank you.

Mr. Alan Kasperski: You’re welcome.

The Chair (Mr. Peter Z. Milczyn): The next round of questions: Mr. Baker.

Mr. Yvan Baker: Do you want to take it?

Mr. Granville Anderson: Go ahead.

The Chair (Mr. Peter Z. Milczyn): You can share your time.

Mr. Yvan Baker: How much time?

The Chair (Mr. Peter Z. Milczyn): Three minutes.

Mr. Yvan Baker: Three minutes. Okay. I’d better get started.

Thank you very much for coming in. I appreciate your presentation. I’ve had the privilege of working with and meeting with on a number of occasions a constituent of mine, who is sitting behind you, Mr. Stephen Thiele, so I’ve been well briefed on some of the issues that you presented on.

A lot of your presentation focused on a legal ruling, so thank you for that.

I was hoping you could share with folks—those folks who are here, those folks who are watching at home: What would be the benefits of political parties? If you had to explain this to the average person, why do we need political parties?

Mr. Alan Kasperski: Two things come to mind. Various groups have referenced the ward 16 election in the last municipal election in Toronto, where the candidate who won, won with supposedly 17% of the vote. It was actually about 10.5% when you factored in turnout. There were 16 candidates in that election. Imagine the homeowner sitting there going, “I’ve got 16 pieces of literature—maybe. “How do I pick?” How does the average person pick now? A smiling face—make sure it’s a toothy grin on your literature? Your name? Your ethnicity?

I’ve been a returning officer and have seen some candidates for whom the people from a particular community come out to support that candidate because of the name. Does the average person take the time to read through policy positions and all these kind of things? Not a lot.

How do they know? This was my point earlier. I know that if I was in Barrie voting for Ms. Hoggarth and I was a Liberal supporter, I would have some confidence, as she is an official candidate from that party, that I could vote Liberal and know and be comfortable with the kinds of policy decisions she would make.

The second thing I would refer to is Toronto city hall, something Mr. Milczyn would be very familiar with. I’m one of those perverse people who watches on Rogers from time to time. When there’s a controversial piece of legislation coming up, like there was just recently, every

councillor has to get up and talk, and they want an extension. They all put their positions forward.

The city of London, in England, has 21 councillors. What they do is they have parties. If it's transportation, Mr. Baker speaks on behalf of the Liberal Party and speaks to that particular issue. It doesn't have to be four or five other people from the party giving their position, so it makes it more efficient. It makes it more understandable.

By having an affiliation, by being part of a party, there are benefits about financing. There is campaign financing and raising funds and all those kinds of things. I understand you've got a professor from Ryerson University coming in later who will give you chapter and verse on the benefits of parties. To my way of thinking, I want those same benefits that all of you have had, and your predecessors, by being part of a party.

The Chair (Mr. Peter Z. Mileczyn): That's the three minutes. We'll move on to the official opposition for questions now.

Mr. Ernie Hardeman: Thank you very much for your presentation. I've been in both positions, municipally and provincially, and, as you said, municipally I didn't have—nor did I want—the ability to put my party affiliation, because the election was about me and what I stood for.

When I became provincial, and now that I've been elected for a number of times, my people still aren't quite sure why it is that my position is generally Conservative, because that's what I am. But that wasn't important to them when I was elected as a municipal politician, the difference, of course, being that when you get elected with a party affiliation, it isn't good enough just to put it on a ballot and say, "I'm from the Green Party," or, "I'm a Conservative." There has to be some method to hold you to that policy during the term of you being elected.

If there are not parties in the chamber to do the debate, to say, "Each party has a leader and each party has a policy that they're going to implement" as you're doing the campaign, just having people running around with having their party affiliation on the ballot would—I should say it this way: Wouldn't you think that that would actually be trying to sell a false security, that just because I put Green Party on my ballot, that somehow I would follow the ideology that you have? And then when I get elected, I'm still as Conservative as I ever was, but I thought maybe my chance of getting elected as Green was more advantageous this election.

Mr. Alan Kasperski: Certainly, I think that there has to be accountability. A certain amount of that is going to come from the party system itself. We're not going to say, "Oh, certainly, Mr. Hardeman, we're happy to have you be a Green and run in your community." There are policies. There are provisions within a party that you have to adhere to.

With the Greens, it's very simple: There's a Green charter. There are 10 points worldwide. Are there variations within it? Sure there are. I think that that accountability needs to extend beyond that.

We don't have recall legislation in Ontario. Should we? Should there be some ability that if a municipal councillor or a mayor gets so out of hand that he needs to be removed, do we have to wait for him to commit a criminal offence? Should there be some means of being able to say, "You're not adhering to the policies that you ran on, or that your party adheres to"? How do you deal with that? I think that can be done either by the party or by the legislative group itself.

1440

Our system, our democracy, is representative. Our suggestion is that it needs to be more participatory. The turnout in the last provincial election was what, 52%? It's poor. How do you increase that? You increase that by building trust into the system. How do you do that? You do that via people who are running as candidates. You do that by making the voting system better. Ranked choice helps. Party affiliation helps. Mandatory voting helps. There's a whole series of things. I'm not saying that putting the affiliation will make the system all better, but it will help.

The Chair (Mr. Peter Z. Mileczyn): I'll cut you off there Mr. Kasperski. The three minutes are up. Thank you very much for your submission. If you want to provide anything in writing to the committee, the deadline for that is 6 p.m. on Thursday, May 12.

Mr. Alan Kasperski: Thanks very much.

THE TORONTO PARTY FOR A BETTER CITY

The Chair (Mr. Peter Z. Mileczyn): Our next witness is Mr. Stephen Thiele. Good afternoon.

Mr. Stephen Thiele: Good afternoon. How are you?

The Chair (Mr. Peter Z. Mileczyn): Very well. Good to see you.

Mr. Stephen Thiele: Nice to see you as well.

The Chair (Mr. Peter Z. Mileczyn): You have up to 10 minutes, and for the official record, as you begin, if you could please state your name.

Mr. Stephen Thiele: Sure. Thanks very much. Good afternoon. Thank you for allowing me to speak. My name is Stephen Thiele. I'm president of the Toronto Party for a Better City. We are a civic party, and we've been in existence since 2006.

As the previous speaker, Mr. Kasperski, spoke, our wish or ask is similar to the Green Party of Toronto's ask, and that is that civic parties finally be formally recognized within municipal elections law in Ontario. Bill 181 does not address the idea of formal recognition of civic parties. It does not address that a civic party can be included on the ballot paper. Mr. Kasperski spoke to the Supreme Court of Canada decision; I'll touch upon that a little bit. Just for the record, through you, Chair, to Mr. Hatfield: the case is *Figueroa v. Canada*. It's a 2003 decision of the Supreme Court of Canada.

You'll have in front of you, just as a matter of house-keeping, a written submission that we've made. I'm not going to read that submission; I'm just going to touch on

some points. When we as the Toronto Party examined Bill 181—it's a little dense, to be honest—one word stood out, and that word was "modernization." Why is that word important? Because it speaks to the purpose of this bill. This bill is to modernize municipal elections in Ontario, and there are some good things in this bill. There are some good things with respect to the nomination process. There are good things with respect to third-party financing. In fact, there's actually a provision in this bill that may permit, in a very exceptional circumstance, the inclusion of party affiliation on a municipal election ballot. That's contained in section 30, subsection (2), paragraph 5—the amendment that's made there.

However, at the end of the day, when you examine all of these changes and all these proposed amendments, we really don't see that Bill 181 will modernize municipal elections. In fact, we believe that it will entrench the status quo.

What is it that ails municipal elections in Ontario? There are three things, in our view:

- (1) There's a lack of transparency in representation.
- (2) There's a lack of ethnic and gender diversity on our city councils.
- (3) The power of incumbency.

The changes in Bill 181 do not address any of these three ailments. However, we do believe that civic parties can be a cure or help cure some of these ailments.

I want to address a myth, and that myth is that, in Ontario, civic parties are forbidden. That is simply not true. You will see in your package a letter from Minister John Gerretsen that was written to the Toronto Party in 2006. In that letter, he wrote, in part, "Currently, the Municipal Elections Act, 1996 does not prevent candidates from working together, nor does it prevent the formation of civic parties."

Well, if civic parties can exist in Ontario, why does the current act and why do the proposed amendments to Bill 181 fail to recognize civic parties in any way whatsoever? The current act contains a myriad of financial provisions that are actually barriers to the formation of civic parties. Those barriers are archaic; they are not modern. Nothing in 181 does anything to remove any of those barriers.

Let me talk a little bit about the issue of transparency. It's probably the most modern concern of the electorate: They don't like governments to keep secrets; they want things out in the open. We've seen protests in Toronto over the last months organized by Black Lives Matter because an SIU report was kept secret and hidden from public view. It was that protest that finally allowed that SIU report, in part, to be made public. So that's a very important concern.

At the civic level, we have a lack of transparency. We know, for the most part, that a number of candidates are affiliated with political parties, yet they will deny that they are affiliated with political parties at the federal or provincial level. A few elections ago in Toronto, we have had the NDP actually organize the nomination meeting to choose Helen Kennedy to run in ward 21, although

they're not supposed to support municipal candidates. She was eventually defeated by Adam Vaughan. Putting civic parties on the ballot makes the process transparent. If I run as a candidate in a municipal election, I want my party name on the ballot. I want people to know that I am a member of the Toronto Party and that the Toronto Party has certain values that you may agree with or disagree with, but at least it's out in the open.

Ethnic and gender diversity is a significant problem, particularly in the GTA. The statistics speak for themselves. From 2000 to today, 11% to 13% of councillors are visible minorities; that's not reflective of our cities. Twenty-seven per cent to 33% are women; that's not reflective of the diversity of our cities. Political parties permit—in fact, bend over backwards to ensure—that an equal number of women are running and that people of colour are running. So political parties are a good thing from that perspective.

The power of incumbency is the largest problem at the municipal level. It happens all across Ontario. It is very, very difficult, in our current system, to defeat an incumbent. The act—and this act, which actually shortens the writ period—makes that worse, because it shortens the time period for a new or fresh face to fundraise; it shortens that period for the new or fresh face to campaign. Why is that important? Because only the incumbent can spend money in a non-election period by using their office budget and sending out newsletters. In Toronto, that's to the tune of approximately \$35,000 a year. That's not a level playing field.

Can civic parties cure that? In some respects, I think they can, because then at least you have a ready-made organization coming into a campaign. The reason we have very short election periods, or writ periods, at the provincial and federal levels is probably because the parties are organized; they're ready to go into a campaign. So we think civic parties are a good thing from that perspective.

One thing that bothers the Toronto Party is that whenever I speak about civic parties, I'm viewed as a radical or that my views are on the fringe, but that's not true. In fact, it's a mainstream view. It's a view that is supported by others, including Robin Sears. Robin Sears wrote an article two years ago in the Toronto Star about the need for municipal parties in Toronto. The view is supported outside of Toronto. There was an article in a Burlington newspaper after the 2014 election talking about lack of turnover, the power of incumbency and that we need civic parties. The view is supported worldwide. Mr. Kasperski spoke, I think, about the city of London. Major metropolises around the world are governed by civic parties: London, Paris, Tokyo, New York. In Canada, British Columbia and Quebec have had civic parties recognized for 60 to 70 years. We want to modernize the Municipal Elections Act. Civic parties are modern; they're not archaic. So we just ask that party affiliation be put on the municipal election ballot.

1450

Party affiliation is important. Mr. Kasperski touched upon it a little bit. We're going to take you back to 2007.

Prior to 2007, in Ontario provincial elections, party affiliation was not included on the provincial election ballot. That matter was debated here in 2007, and all parties—the Liberals, the Conservatives, and the New Democrats—agreed that party affiliation on the ballot was important.

Why was it important? Because it was providing information to the voter so that the voter could make an informed choice when he or she cast his or her ballot. The reality is not everybody knows that you may be a Conservative or you may be a Liberal or you may be an NDP until they get to the ballot box, but they feel comfortable that when they cast their ballot, they agree with the policies in general of one of those parties, and tick off the name whether they know you or not.

The Chair (Mr. Peter Z. Milczyn): That's your 10 minutes.

Mr. Stephen Thiele: Okay.

The Chair (Mr. Peter Z. Milczyn): This round of questions begins with the government: Mr. Baker, for three minutes.

Mr. Yvan Baker: Thanks so much, Chair. Stephen, it's great to see you. Thanks so much for coming to present here today.

Mr. Stephen Thiele: Thank you, Yvan.

Mr. Yvan Baker: Stephen, you and I have talked on a number of occasions about this. You've come to see me in my constit office. We've talked extensively, so I feel quite knowledgeable about your position and what's in your brief.

I'm going to ask you a question along the lines of what I asked Mr. Kasperski earlier. It's not exactly the same question, but I want to translate what you know into terms and a perspective that the folks at home who are watching or who are reading the Hansard would best understand.

The one thing that I'd like to talk about is that, in your opening remarks, you talked—and I'm not quoting you—along the lines of the fact that there's nothing in this legislation or in prior legislation that would prevent people like the members of the Toronto Party, presumably, from campaigning as a group or a slate or anything like that.

Mr. Stephen Thiele: Correct.

Mr. Yvan Baker: But, from what I understand, you're saying that what you'd like is that plus the ability to put that on the ballot.

Mr. Stephen Thiele: Correct.

Mr. Yvan Baker: Can you explain for the folks at home—

Mr. Stephen Thiele: We've had this conversation.

Mr. Yvan Baker: Sure, but for the folks at home: Why is adding the party name to the ballot so important? What's the incremental benefit of that that you don't enjoy right now, of being able to campaign as a group?

Mr. Stephen Thiele: I'm going to address that. I guess there are two things. One is legitimacy. I've been a candidate in a municipal election, and when I campaign I say I'm a member of a political party, of a civic party. People scoff at that idea because the general view is that

civic parties cannot exist in Ontario. So they don't trust me. They go, basically, "You're lying."

I've also seen candidates campaign at the door and they know that so-and-so is a Liberal and so they'll give a Liberal view, when indeed their views are something else, just to convince them. There's no accountability from that perspective.

That's why I talk about lack of transparency. Make it transparent. If I put that name on the ballot, then someone will know that you are a member of the Toronto Party or you're a member of the Liberal party, because that, then, vis-à-vis you and the elector, holds you to account to that elector. They're going to follow you and how you vote, and if you vote in a way that doesn't match the philosophy that they thought you held, they may not vote for you again. I think that's important.

It's really about giving information to the elector. Mr. Kasperski quoted from the Supreme Court of Canada. I'm going to quote a different passage from Justice Iacobucci. This got to the heart of his decision: "The restriction on the right of candidates to include their party affiliation on the ballot paper ... undermines"—underline that word, "undermines"—"the right of each citizen to make an informed choice from among various candidates."

The municipal election ballot: let's look at Toronto. Sixty mayoral candidates—

The Chair (Mr. Peter Z. Milczyn): Mr. Thiele, I'll stop you there because we have to move on to the next party. Mr. Hardeman.

Mr. Stephen Thiele: Okay. I'll have to speak faster.

Mr. Ernie Hardeman: Well, thank you and thank you very much for your presentation. My concern is that we seem to be somehow getting into this dilemma where we want to put a name of a party on a ballot to tell people what my ideology is, as opposed to what we do provincially or federally. The reason that it's put there is so they can recognize that that's the policy that we're running on.

So, unless we find some way in the bill to make party politics the way the city is governed, then I think using a party affiliation that does not have a policy to deliver and is not going to be advertising that policy to the people—so when they get out to vote, they'll have no idea what the party stands for—then they're using it just to direct the description as to somehow they should vote for you because of where you are in ideology. It's not what people are voting for municipally; they're voting for the individual. That's what it's all about. That's why we don't presently have parties.

I'm just asking you how you would envision changing the structure so being elected to a party on Toronto city council would in fact be so I, as a voter, would have an ability to be somewhat assured that you are going to deliver on the things you stood for. Because so far, unless you have a party policy, I wouldn't know.

Mr. Stephen Thiele: Well, that's right. You wouldn't know unless you checked the party. It works the same way. I mean, with all due respect—

Mr. Ernie Hardeman: In the city of Toronto, how would the average citizen check the philosophy of a party that they've never heard of?

Mr. Stephen Thiele: They would check the philosophy of the party like they do now. If I'm looking to vote in a provincial election and I look at who the candidate is, I'm going to the Conservative Party of Ontario website to see what the policies of the party are, or I'm going to the Liberal Party website. The Toronto Party had a policy in the 2010 election. We actually put out a policy book. So they would know.

Mr. Ernie Hardeman: I'm trying to get a handle on how we deal with it after the election that somehow if you're elected on an ideology or the party policy and you're the only one there, you can't deliver on it. In party politics, there's an obligation for the party, after they get elected, to implement the policies they ran on.

Mr. Stephen Thiele: Well, absolutely, but you can do that on a council as well. Whether I'm a single member or I'm elected with a collective—if I'm elected with a collective, we're going to have certain ideas on transportation, we're going to have certain ideas with respect to garbage and we may have certain ideas with respect to UberX. Those are city-wide issues; those are not local issues. You can check that.

It's just like any other party, either a provincial party or a federal party. If Prime Minister Trudeau does not hold true to electoral reform, let's say, I, as a voter for the federal Liberal Party, may say, "Well, you did not uphold your promise to me as an elector and I'm not going to vote for you again." So it works the same way.

The Chair (Mr. Peter Z. Milczyn): That's this round of three minutes. We'll move on to Mr. Hatfield.

Mr. Percy Hatfield: I've been asked several times: What's the biggest difference from being a city councillor to being an MPP? The hardest thing for me was, when I joined a party, to toe the party line and be partisan, as opposed to being an independent thinker. When I was on city council, there were members of that council who I knew to be members of a political party, but during debate at city council on municipal issues, one would go this way, one would go that way and one would be straight down the middle.

It's an independent body. I don't see how being identified as a party and having to vote on a party line is going to change the way we clean a sewer or fix a sidewalk. I just don't get it.

Mr. Stephen Thiele: Well, again, you're talking purely local issues. Fixing a sidewalk or erecting a stop sign is certainly not what city councillors do today. The city of Toronto is the sixth-largest government in Canada. It has a \$10-billion budget. It has 45 members of city council. It may soon go up to 57, and 57 independently elected individuals running on their own ideas does not allow Toronto to be efficient.

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Part of what the provincial government must do is create an environment to advance the economy of Ontario. Political parties that come together at your city levels with a collective view on, let's say, transportation, to build subways or LRTs instead of debating these issues for 20 years, actually advance the economy in

Ontario. So these are good things. I mean, take a look at Montreal. Take a look at Vancouver. This is what happens in those cities—

Mr. Percy Hatfield: Let's just stop there for a minute. Let me just ask you this. The Bloc was a party that wanted to break up Canada. Has your party, the Toronto Party, ever registered to run provincially or federally?

Mr. Stephen Thiele: No, we have not.

Mr. Percy Hatfield: You only do it at the municipal level?

Mr. Stephen Thiele: That's correct.

Mr. Percy Hatfield: Would you agree or disagree that if you were on the provincial ballot as the Toronto Party, or on the federal ballot as the Toronto Party, you would grow in party status and perhaps have more impact when you ran municipally? Short answer, please.

Mr. Stephen Thiele: I think that's an unfair question.

Mr. Percy Hatfield: All right. Then I take it away and won't ask it.

Mr. Stephen Thiele: Well, no, you've asked me the question and I'm going to answer it.

Mr. Percy Hatfield: No, we'll just ignore it. I don't want to ask you an unfair question. I do not want to ask you anything unfair.

Mr. Stephen Thiele: The reason that it's—

Mr. Percy Hatfield: Can your campaign literature identify—

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, let him answer. You posed the question. Let him answer.

Mr. Percy Hatfield: He goes on for five minutes, and there goes all the time for questions.

Mr. Stephen Thiele: The reason I say it's unfair is not a criticism of your question; the Toronto Party has no interest in becoming a federal or provincial party.

Mr. Percy Hatfield: Thank you for that answer.

When you campaign, does your campaign literature have you down as a member of the Toronto Party?

Mr. Stephen Thiele: Yes.

Mr. Percy Hatfield: Is that in your favour?

Mr. Stephen Thiele: I don't know whether it's in my favour or not. What I do know is that it is identifying to the elector, and I am giving the elector information as to the values I hold, as a candidate, that are held through the Toronto Party.

Mr. Percy Hatfield: How many members of the Toronto Party ran in the last municipal election?

The Chair (Mr. Peter Z. Milczyn): That was the three minutes we had, Mr. Hatfield.

Thank you for your presentation this afternoon. If there's anything further you'd like to submit to the committee in writing, the deadline is 6 p.m. on Thursday, May 12.

Mr. Stephen Thiele: All right. Thanks very much.

RANKED BALLOT INITIATIVE OF TORONTO

The Chair (Mr. Peter Z. Milczyn): Our next witnesses are Ms. Katherine Skene and Mr. Michael Urban.

Good afternoon. You have up to 10 minutes for your presentation. When each of you begins, could you please state your name for the official record?

Ms. Katherine Skene: My name is Katherine Skene.

Members of the committee and committee staff, thank you for the invitation to speak here today. Thank you to all others in attendance for taking the time to participate in this very important discussion around democratic reform at the municipal level.

I'm the co-chair of the Ranked Ballot Initiative of Toronto. We call ourselves RaBIT, for short. I am joined at the table by my co-chair, Michael Urban.

RaBIT is an independent, non-partisan, grassroots organization. We are dedicated to realizing a more inclusive, positive and representative government through the introduction of ranked ballots for municipal elections in the city of Toronto. We have been advocating for the adoption of ranked ballots in Toronto since 2010, as an organization, while many of our individual members have been doing so for even longer.

In this presentation, I will focus primarily on the need to proceed with the consideration of this bill with all deliberate speed possible. I will also address some smaller issues concerning the electoral calendar and third-party advertising, after which my colleague and I will be happy to answer your questions.

I'd like to begin my remarks by once again saying thank you. Specifically, RaBIT would like to thank the members of this committee for holding hearings on this bill so promptly. As I will outline shortly, our timeline for enabling ranked ballot elections in 2018 is already very tight.

We would also like to thank you in advance for your hard work. We are great believers in the electoral and legislative processes, and we are confident that you will perform your duties to ensure that this bill is the best it can be when it returns to the Legislature for final reading. We were encouraged by the minister's openness and generous offer to accept all reasonable amendments that improve the bill, and we hope you will proceed with your work in the same collaborative spirit.

Moving to the actual matter at hand, insofar as ranked ballots are concerned, the legislation you are considering is actually quite limited in terms of specifics. From our reading, this legislation largely states that municipalities may choose to use ranked ballots for their elections and that the provincial government is empowered to promulgate the regulations that would actually enable those municipalities to do so. It does not go much beyond this. So while it is an important step in the right direction, this legislation is only that: It is one step toward realizing our goal of elections that are more fair, diverse, inclusive and friendly.

To a very great extent, the devil will be in the details of the regulations, and we will not be able to evaluate whether the government has kept its campaign promise until we see the specifics of those regulations. This was expected, if a little disappointing, given our interest in those details.

But herein lies the rub: Given that the government has promised to ensure that municipalities will be able to use ranked ballots for the 2018 elections, and given that it has been suggested to us by municipalities that they will require two years' preparation time, we can see that time is of the essence.

In order to responsibly make a switch to ranked ballots, municipalities and their councils have significant due diligence to perform. They will need to engage in public consultations, debate and discussion to determine whether they want to make the switch. If they do want to make the switch, the municipal clerks and their staff will need to put in place all of the technical and logistical systems and processes in order to ensure a successful election. For some municipalities, this may involve the purchase and testing of new vote-counting technology. Most of all, municipalities will need time to educate the electorate and the candidates before the election campaign to ensure that everybody is able to get the most out of the new system. Doing all of this is essential to ensure that municipalities take advantage of ranked ballots and all the benefits they have to offer, and doing all of this will require having access to those regulations by which these elections will run.

So, as you can see, there is still a lot to do and we are already on a tight timeline. In order to get access to these regulations, the bill you are currently considering needs to be given third reading and passed. First and foremost, I am here today to encourage all members of this committee to proceed with all deliberate focus and speed to ensure that this bill is returned to the Legislature in good time so that it can be passed into law as soon as possible and the regulations to which it refers can be drafted and released.

As I mentioned at the beginning of my remarks, there are also a couple of smaller points I wanted to make today.

First, we would like to note with approval several changes to the electoral calendar which we believe will help make implementation of ranked ballots easier and less onerous for municipalities, such as the shortening of the campaign period, especially at its close. This change is important to us because it provides more time for municipalities to design and print ballots, which is a critical technical pressure point. It's the question we're asked most often as advocates: "What will this actually look like?" Given the additional technical requirements associated with printing a ranked ballot, this extra time will ensure a successful election. From our perspective, this change is indicative of a process which has engaged responsibly and responsively with municipalities, something that gives us confidence in the wider process.

My second point concerns third-party advertising. Given the diversity of political persuasions and viewpoints held by the thousands of members and supporters of RaBIT, our organization is very strongly focused on that on which we all agree, namely the implementation of ranked ballots. We usually refrain from commenting on other issues. In this instance, however, the impacts on our

organization would be great, and so we feel compelled to address the third-party provisions contained in the legislation.

It is our understanding that certain provisions in this legislation would add additional burdens to third parties wishing to participate in debates on issues during municipal election campaigns. While we do not oppose the regulation of such participation on principle, we are concerned that the requirements are overly burdensome to small organizations with limited resources, like ours. While we leave it to the members of the committee to consider the specific provisions at issue and any potential improvements, we suggest you consider setting a campaign period spending threshold—for instance, Alberta has set one of \$1,000—below which organizations would not be bound by these requirements.

Finally, I'd like to conclude my remarks by saying thank you again to the members of this committee for taking the time to study this bill. We believe that the adoption of ranked ballots, which is a small and simple change, will produce a big impact and bring about a new politics in Toronto that is more fair, diverse, friendly and inclusive.

With that, Michael and I will be happy to answer any questions you may have.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. This round of questions will begin with the official opposition. Mr. Hardeman?

Mr. Ernie Hardeman: Thank you very much for your presentation. It's much appreciated. It is one of the larger items in this bill, and I think it's very important that we have some discussion on it.

You mentioned the fact that maybe this bill doesn't quite go as explicitly as it should in trying to meet the mandate letter that the minister got when the Premier asked him to look at or to implement a ranked ballot system. The concern, I guess, is that there seem to be a lot of challenges as to what ranked ballots really do, when it's finished. Of course, it is the fundamental part of municipalities, in fact, as it is provincially. In any province where we've had ranked ballots anywhere, or where we've tried to change the electoral system in any way, there has been a referendum. In any area in the United States where that has happened, the people get a choice as to whether they want to change the way they get elected.

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One can say, "Well, this is not really changing much," but it is. It's fundamentally different. If you look at places where they have it, there is some concern that the outcome is not what is being suggested by the ranked ballot system; that if we get enough second choices to beat the first-choice candidate, then we have a different winner. But that means that some people got more power in their vote than the others, because if the numbers had turned out a little bit differently, it would have been a different one.

My concern is not so much whether it's the right one or not. I'm a firm believer in the fact that the people

should decide, not governments. If we believe in democracy, we should have the people have an opportunity to say, before we start the system—in a lot of places, they haven't been really happy with the turnout after they did it—we should have a referendum so the people can have a say: "Do you want a change, or don't you?"

When this started, the city of Toronto said they wanted it. We now have resolutions and correspondence that they don't want them to pass it at all, but if they make it optional the way it is, make sure they include the opportunity for a referendum so that the city can have the people decide how it should be.

What's your view on the democracy of having a referendum before it's implemented?

Ms. Katherine Skene: It's a good question. It's a question that comes up often.

RaBIT is absolutely in favour of widespread public consultation.

You're right: Ranked ballots, for us, is about better democracy.

Public consultation should be careful and should be open, and people should be as easily engaged as possible. A referendum can absolutely achieve those goals, but it's not the only way to achieve those goals. In fact, we don't believe it's necessarily the best way to achieve those goals. Referendums are often done at the will of politicians, and they're very easy to manipulate in terms of who asks referendum questions, what the referendum questions are and how they are phrased. The cost of a referendum is extraordinary. Here in Toronto, it would probably cost more than \$15 million—

The Chair (Mr. Peter Z. Milczyn): I'll cut you off there, because that was the three minutes.

Mr. Hatfield.

Mr. Percy Hatfield: Katherine, when you were concluding your remarks in your initial presentation, you spoke just about Toronto. We're looking at, province-wide, more than 444 municipalities. What is your view on how many may choose to go to a ranked ballot initiative, as opposed to your focus, being in Toronto?

Ms. Katherine Skene: Sorry, can you—how many municipalities may choose to do it?

Mr. Percy Hatfield: Yes. Have you done any research into that? Have you consulted anything, or are you just talking about Toronto and that's it?

Ms. Katherine Skene: Yes, we are focused on Toronto. We are the Ranked Ballot Initiative of Toronto. You will hear from Dave Meslin, who is the creative director of Unlock Democracy and 123 Ontario, and 123 Ontario is a network of organizations very much like RaBIT.

There are pushes in London, Kingston and Oakville. I read a news story that the council of Oakville has recently voted unanimously to study this option. Barrie is looking at it; there is a large group in Ottawa. So this isn't just about Toronto. We're very proud that we think Toronto started that push, but democratic reform is important, no matter the size of your municipality, no matter the size of your council.

Mr. Percy Hatfield: Other people have talked to us, not necessarily the committee, but if you're voting for a regional government and there could be 12, 14 or 28 people, is it your view that each of those has to be ranked from one to 28 or one to 14 or one to 12? How do you look at it?

Ms. Katherine Skene: I think that's up to the municipality to decide how many choices they want to rank. Most municipalities will choose between three and five. Truthfully, beyond three, I think some of us would be hard pressed to say, "Well, this would be my fourth choice and this would be my fifth choice." Most people tend to stop after that number anyway, even if you get the option of ranking 14 councillors or 28 councillors. But again, it will be up to municipalities to decide what's right for them and how they want to do that, depending on what those regulations say, of course.

Mr. Percy Hatfield: And on third-party advertising, as I understand it, if somebody running for mayor of Toronto says he's going to do away with the ranked ballot in the next election and that becomes a campaign issue, you guys, RaBIT, can't even comment on it, because you're an organization and you're not an individual who's registered. You know what I'm getting at. You won't be able to talk on it for six months.

Ms. Katherine Skene: Yes, that's right. Some people would say we could register and it shouldn't be that onerous, and maybe that's true, but our board and our core volunteers—we're maximum 30 or 40 people at this point and we all have day jobs. We don't have the resources and we don't necessarily have the knowledge to navigate those bureaucratic systems at city hall to say, "We're registering the right way so we're not going to get in trouble, and we have opinions that say that that's true." That's why I'm suggesting that there has to be this campaign limit.

RaBIT operates on a shoestring budget—"shoestring" being almost zero, actually. We have to have the ability to comment on these issues as they come up, and not just organizations like ours, but other issues—

The Chair (Mr. Peter Z. Milczyn): Thank you. We now have to move on to the government side. Mr. Rinaldi for three minutes.

Mr. Lou Rinaldi: Thank you so much for being here today. Thank you for all the work you do and your passion. Most people who have presented also have a lot of passion.

Because ranked ballots seems to be your main drive, I just want to follow up a bit on the comment you made that we're there, but not quite all the way there. You've heard the minister and you've obviously had a number of occasions to talk about how we're going to proceed to the next step as far as communicating it through regulation. I guess part of the reason is that this is new. If we entrench into legislation whatever referendum or consultation, it will be a huge challenge to adjust as we go down the road.

Would you comment or agree that we can deal with that piece through a regulatory process? And it's strictly

so that it's flexible and nimble. It's still giving municipalities those choices to make their own—because after all, they are democratically elected folks. We might not like who we elected, but the majority of people did. Would you comment on that a little bit?

Ms. Katherine Skene: To be clear, I have zero opinion on how it is the government does this, so long as it does it. Through regulation is a perfectly fine way to do it. Our concern is the speed at which those regulations will be available. Toronto is a large city with a very big budget, and we've heard people speak to that today. Not every municipality has that same budget or those same resources, and so for some municipalities, those regulations will be especially important in deciding how to actually run a ranked-ballot election.

Even here in Toronto, elections staff asked us a lot of questions, like: How many do you rank? Well, I don't know. So those are the questions that city staff are most interested in, because it will be how they actually run the elections.

Mr. Lou Rinaldi: You probably will know there are working groups already working to try to come up with some process to help municipalities who want to venture down that road—because after all, it's optional. We're not going to see 444 municipalities jump at this; I don't expect they will. Some of them maybe want to try; they might turn the clock back. I want to be fair and honest.

So some of the work is already happening as we go through this—because you're right: Two years is not a long time. We want to make sure that hopefully, if the legislation is passed towards the end of the summer, we'll have a fairly clear direction, subject to regulatory postings and time for people to comment.

Anyway, that's it, Chair.

The Chair (Mr. Peter Z. Milczyn): If you can respond in six seconds?

Laughter.

Mr. Lou Rinaldi: I'm not sure that was a question.

The Chair (Mr. Peter Z. Milczyn): Okay. Now the three minutes is up.

Thank you very much for your submissions today, and obviously for your work over a number of years. If you do have anything further you'd like to provide to the committee in writing, the deadline for that is 6 p.m. on Thursday, May 12.

Ms. Katherine Skene: Great. Thank you.

UNLOCK DEMOCRACY

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Meslin. The record will note that Mr. Meslin is wearing a jacket and tie today.

Laughter.

Mr. Dave Meslin: I would like that deleted from the Hansard.

It's not my first time addressing a committee with you as Chair, but it's my first time in this building. It's nice to see you again.

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The Chair (Mr. Peter Z. Milczyn): Please state your name for the official record.

Mr. Dave Meslin: My name is Dave Meslin, creative director of a non-profit group called Unlock Democracy. We have a project called 123 Ontario which, as Katherine mentioned, is a network of grassroots, volunteer-run organizations of citizens from across Ontario advocating for ranked ballots for their local councils. We have active groups in Ottawa, Whitby, Windsor, Toronto, London, Guelph, Hamilton and new ones coming online all the time.

I've been here since 9 a.m. watching this procedure. It's a very impressive process. I think it's a shame that the general public is more exposed to the Legislature and the heckling that happens there and that they don't see this process. I've been really impressed with the questions coming from all three parties.

I've also been really impressed with the process that led us to where we are now. The ministry has been very inclusive in their process in reaching out to stakeholders and trying to get a lot of input, both through the official public consultations last summer and by having groups such as the technical working group, which included clerks and some members of the volunteer community as well. It has been great to be a part of that whole process and to be where we are now.

Let me also say that this has been a very unique process in its multi-partisanship. A lot of issues in this building and in general get very polarized quickly between right and left, urban and suburban or this and that. What's really special about this movement is that people from all stripes and geographies have come together to say that it's the right time for this change and it's a small and simple change that'll make elections more fair and friendly.

The first motion for ranked ballots came forward from two conservative councillors—small-c conservative. We don't have parties in Toronto, as we've heard. Case Ootes and Mike Feldman put forward a motion in Toronto asking for ranked ballots for the mayoral elections. That motion passed almost unanimously in 2010 with support from the right and the left, and then since, of course, we've seen private members' bills from the NDP and the Liberals and now a government bill. This has really been a collective effort from people across the spectrum. The support in the media has been, in a way, almost never been seen before. Everyone from Jonathan Goldsbie on the left, to Jerry Agar and Sue-Ann Levy on the right, people are saying our elections need to be fair. We need a level playing field so people can compete against incumbents and we can see more friendliness and better results.

I've been advocating for municipal ranked ballots—just to be clear, I don't actually advocate for this reform for provincial or federal elections. We can talk about that later if you'd like. Municipal ranked ballots I've been pushing for for 10 years.

I visited the city of Cambridge, Massachusetts, which is the only multi-member, ranked-ballot, council-elected

city in North America, except for the Minneapolis parks board, which is a multi-member district of three which uses a ranked ballot. I've also spent extensive time in Minneapolis watching their elections there. I actually lived there for a week during their last election, meeting with the clerk, meeting with candidates, meeting with volunteers and meeting with voters and advocates, of course. I was really impressed with how the system is working there. Voters understand it. They like it. They have a very diverse council. There's no confusion about how to rank, and it has been a very smooth transition despite other rumours I've heard in the media.

A few quick comments about details in the bill. My main comment would be to echo Katherine and Michael, which is that we just need to get this through as quickly as possible because we're actually running out of time for some of the larger cities to be able to implement this. The logistics for a city like Toronto, for example, are absolutely enormous. If they need to change the software of their tabulators and put out RFPs for that, the window is shrinking very, very quickly.

Nomination requirements: Right now, it's easier to run for mayor of Toronto than to run for the president of the student council at U of T. There are currently no signature requirements, and you need \$200 to run for mayor of Toronto. It might seem counterintuitive for a democracy activist to be saying we should make it harder to run, but I think we should make it harder to run because a lot of those candidates aren't serious candidates, and it doesn't do a service to the voter to have the ballot cluttered with people who aren't serious.

In a city the size of Toronto, I think the deposit should be much, much higher, and I don't think you can take a one-size-fits-all approach because while in Toronto we have too many people running for mayor—upwards of 60—I know in other smaller communities you have the exact opposite problem: You have acclamations. We don't need to raise your thresholds. If anything, we should lower them. We do need to raise it in Toronto. I'm not sure if the one-size-fits-all approach right now works in the bill.

I think it's important that the bill allows cities to choose mayor only or council only; that they don't have to do both. It might be a great way for a city to try it—just for mayor—and see how it goes.

I don't support a referendum, but I think cities should have the right to choose to have a referendum, which the bill offers right now.

You'd mentioned in a comment that people should decide. Well, that's exactly what a ranked ballot allows people to do at the election. So if you think that 50% of the people is an important threshold to meet to change the voting system, I would argue that maybe 50% is an important threshold to win an election in the first place.

To me, a ranked ballot turns every election in every ward into a referendum. Right now, if 60% want to get rid of the mayor, he or she can still win. That's not a referendum. We want a referendum in every ward for every mayor. The way you do that is with the ranked ballot.

Section 40 talks about the posting of results. There's a sentence where it just says that the—how many minutes do I have left, Chair?

The Chair (Mr. Peter Z. Milczyn): You have—keep talking—

Mr. Dave Meslin: Okay. Section 40—

The Chair (Mr. Peter Z. Milczyn):—just over four minutes.

Mr. Dave Meslin: Oh, great. That's fine.

It says that “the clerk shall make the following information available....” Number one is the number of votes for each candidate. That would be adequate under a first-past-the-post selection. You might want to add something in there that actually states that the clerk has to release the results of each round and how the votes were transferred, especially for the multi-member districts, where it gets a little complicated.

It's really important not just that cities try this but that everyone likes it and everyone understands it. For those cities that want to have a referendum, my response to Mr. Hardeman would be to try it first. If you're going to have a referendum, let people know what the two options are. But if we're going to do that, I want to make sure that the reporting from the clerk is very clear, so voters do understand where their votes went. Of course, anyone who has watched a leadership race for your party or any party knows exactly where the votes go. It's a very simple system.

Two quick comments about parts of the bill that aren't related to ranked ballots: I'm actually concerned about shorter campaigns. I like moving the end date earlier. That gives the clerks more time to create the ballots. A ranked ballot is more complicated to produce.

I'm wondering why you're going from January all the way to May. A lot of people have proposed that it might give an unfair advantage to incumbents. We hear over and over that Toronto, or Ontario cities, have the longest campaign periods in Canada. I would argue it's the exact opposite: We have the shortest of any electoral districts anywhere in Canada.

Federally, or in Vancouver or Montreal, as we've heard, where they have parties, they can raise money right now. If I want to run against you next time, or you, I can do an event next week. I can hold a fundraiser. I can make a website. If I want to run against Gregor Robertson or Denis Coderre, I can put up a website next week. But if I want to run against my councillor, or John Tory, I have to wait until January 2018, and you're pushing that back to May.

You're making the shortest fundraising period in Canada a half shorter, and I think that's going to really hurt challengers. If you want to experiment with it, go to February, go to March or go to April. It's a huge change that could have negative consequences.

I echo the concerns that have been raised about third-party restrictions. I want to make sure, if this bill does pass, that I can publicly advocate for councillors to implement ranked ballots without being accused of being some third party who is spending inappropriately. The

two ways to do that are to either create a maximum threshold, that you can spend up to \$500 or \$1,000, or simply remove the word “issue” in section 1(6). It says “promoting, supporting or opposing a candidate or an issue....” I don't think there's a reason to include “issue” there.

I'll just close by saying that I encourage you to act quickly on this. I thank you again for the consultation. I really think it's a no-brainer. The reason that all of your parties use this system is because it's the most fair way to elect a winner. We, as voters, want to be able to have the same opportunity to use the system that you have all used to choose your leaders, and the same system that you use to be nominated in all of your ridings. We want to have that same chance too.

Thank you very much.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. We'll start this round with Mr. Hatfield.

Mr. Percy Hatfield: Let me ask—and I hope it's not an unfair question. Unlock Democracy: What is your view on party affiliation on municipal ballots?

Mr. Dave Meslin: Are Alan and Stephen still here? Uh-oh, they're watching.

I actually think it's really complicated. I will be honest: There are definite benefits. For example, I've been to an AGM in Vancouver—it was at COPE, which is one of the parties there—where people were voting on policies and voting on candidates. Here in Toronto, I have no way to do that. In between elections, I have no way to participate in a political body from 2014 to 2018. So I understand where they're coming from, and I do agree that there are benefits.

At the same time, I really like how the 45 members of council are independent, whereas you see in this Legislature that there are three parties and every member of each party votes the exact same way every single time, without exception.

1530

Mr. Percy Hatfield: Most of the time.

Mr. Dave Meslin: Ninety-nine per cent?

Mr. Percy Hatfield: Ninety-nine and a half.

Mr. Dave Meslin: And the NDP is one of the most whipped parties, for better or worse—I know it is federally.

So I like that in Toronto you'll get 44 to 1, 42 to 2, 43 to 1, or 17 to 25; you never know. There are little clusters who vote as blocs, and some of them even caucus, but even within those caucuses they break ranks and do their own thing. I kind of like it.

So I don't know. I'm really torn. I don't disagree that cities should maybe have the right to do it. I mean, that's the part where I probably agree with them completely: Why not? If the right was given, though, I don't know if I would advocate for Toronto to make that change.

Mr. Percy Hatfield: You talked about the ranked-ballot motion that came to Toronto city council. You mentioned the two councillors. Am I right in my recollection that it was a walked-on motion, that it didn't

come with a staff report, with background information pro or con; it was just presented and that was it?

Mr. Dave Meslin: That was the 2010 motion. That's true. But a few years later, in 2013, I believe, there was a very long process that went through the government management committee. That was a motion put forward by committee chair Paul Ainslie. That had public consultations at committee, with lots of deputations and lots of media exposure, and that motion won, I believe, 25 to 18.

Mr. Percy Hatfield: Your friend the Chair mentioned your jacket and tie. Inside the Beltway, what's the story on the jacket and tie?

Mr. Dave Meslin: I've only worn this previously for funerals, and two or three weddings. But I wanted to make sure you took me seriously, so I took out my funeral attire.

Mr. Percy Hatfield: Thank you.

Mr. Dave Meslin: I wish I had a more colourful tie, but it's not appropriate for funerals, though. I'll get a better tie for next time.

The Chair (Mr. Peter Z. Milczyn): I've always taken you seriously, Mr. Meslin.

Mr. Dave Meslin: Thank you.

The Chair (Mr. Peter Z. Milczyn): Questions? Mr. Anderson.

Mr. Granville Anderson: Thank you, Mr. Meslin, for being here. I found your presentation very interesting. I'm going to split my time with my colleague.

I know you're a big proponent of ranked ballots. It's something that I am not quite sure is the best way. The analogy you used when you use political parties—I have seen some terrible leaders be elected because of ranked ballots, so that's really not a great analogy. I could go down a list, which I won't. So—

Mr. Dave Meslin: I'd like you to.

Mr. Granville Anderson:—you don't necessarily get the best candidate by ranked ballot. That's one point.

Mr. Dave Meslin: Sure.

Mr. Granville Anderson: The second point is the election period. I am one for a much shorter period. Where I live, where I am in Clarington, I have seen where we have three or four people trying to run for mayor, and it's gridlock. Nothing gets done. Everybody is jockeying and nobody can agree on anything, and the whole council is—nothing happens, because everybody is jockeying because of the long campaign period. So I disagree with you on that one as well.

I'll leave it open for you to comment, and then I'll turn it over to my colleague.

Mr. Dave Meslin: Sure. Where are we at with minutes? Back at committee at city hall, we'd have a little clock counting down for me.

The Chair (Mr. Peter Z. Milczyn): You have one minute, 45 seconds.

Mr. Dave Meslin: Okay. In terms of whether good leaders are elected, that's really up to the voters. Voters might choose bad leaders. I actually find that the runoff for leaders that our parties use usually does end up

choosing very good leaders. You can disagree or agree with their policies, but it has elected some very successful leaders.

Dalton McGuinty, on his first round of ballots, was in fifth place. With the runoff, he won. You can debate whatever you want about his time, but he did well electorally for quite some time.

People argue that Stéphane Dion was an awkward choice and that they chose the wrong one, which was a very convincing argument until Michael Ignatieff did much worse. So I don't know; I think they might have picked the right guy.

The main thing is that it's not for you or me to decide who the right candidate is. It's for voters, whether it's for a leadership race or for a ward, and only with a ranked ballot can a majority of those voters express their opinion. A majority of those Liberals wanted Dion, and that's who they got stuck with, for better or worse. If the majority of Torontonians want to get rid of John Tory or keep John Tory, they should get that result. We don't have that right now.

In terms of your second question—oh. Again, I don't know; we'd need a crystal ball to know what the impact would be of changing the periods. What I'm suggesting is, don't do it so much. If you want to experiment with making it shorter, go to March. I think it's a really big change to go from January to May.

Mr. Han Dong: I just want to expand on that. I'm of the logic that if you extend the writ period to January or even to December or November, wouldn't the councillors or the mayor be more focused on election campaigns as opposed to their work?

Mr. Dave Meslin: Can I say one sentence? I've never understood the argument that politicians shouldn't be campaigning instead of governing. The best way to campaign is to govern well, and I have no problem with that happening at the same time.

The Chair (Mr. Peter Z. Milczyn): On that note, we'll end.

Mr. Hardeman?

Mr. Ernie Hardeman: Thank you very much. You can't run out on me just like that.

Mr. Dave Meslin: Sorry.

Mr. Ernie Hardeman: I just wanted to say that I agree with some of your presentation, or a lot of your presentation. I have some concerns that the first time using ranked ballots, there's going to be a lot of confusion. I don't think that's a good way to hold a referendum on whether that's the way we should have gone. You haven't been able to convince me of that.

But I was very interested in the issue of the timing of the elections, moving from January 1 to May 1. There seems to be absolutely no rationale for that, just because the city of Toronto had too long an election period. They never had a longer election period. The actual writ period in this bill is extended, not reduced, because they've moved the nomination close to mid-July, which used to be in September. So, in fact, the actual election is on starting the middle of July, as opposed to September, and the fundraising has been cut from January 1 to May 1.

So I totally agree with you and I think they just didn't give it any thought that some people may have trouble raising money in that short a time. That kind of money for a race like running for the mayor of Toronto—it would take longer than that if you started from scratch, I'm afraid, so I think that is a thing that they have to realize with. But I think if you looked at the reporting and the talk in the town, shall we say, during the last Toronto election, everybody said an election from January 1 till October is just way too long. It's only because everybody wanted to start the election, as opposed to just raising money.

Mr. Dave Meslin: Nothing forces candidates to nominate in January. Some races don't really get going until the summer; some start early. I would say that the last federal election started years before the election. I mean, we had ads running. Harper was running ads against Trudeau well before the election period. The US presidential election has been going on since the last one ended. So I just think we have to be realistic about how long elections actually are and look at what the possible negative consequences might be of shortening that fundraising period. One option might be to somehow allow candidates to register to fundraise but limit what they can do in terms of campaigning.

I think you'll still have mayoral people saying publicly in February, "I'm gonna run." There's no way that John Tory's opponents are all going to wait until May to publicly declare their intentions.

Mr. Ernie Hardeman: Yes, but according to—

Mr. Dave Meslin: But now they're going to be in a situation where they are going to announce it, but they're not allowed to put up a website.

Mr. Ernie Hardeman: That's right. If they put an ad in the paper to announce that they're doing it—

Mr. Dave Meslin: Even a website—

Mr. Ernie Hardeman: —if they accept money, they're not allowed to do that.

Mr. Dave Meslin: Yes. This actually goes back to the issue of parties. If we did have official parties, as they do in Vancouver and Montreal—Vision and COPE and NPA can run ads just like our parties do now in between election periods. They can raise and spend money all the time.

In Toronto, because we don't have parties and there's no mechanism to legally raise or spend one penny up until nominations start, it's really dangerous to move that date.

Mr. Ernie Hardeman: If you take the—

The Chair (Mr. Peter Z. Milczyn): That's the three minutes.

Mr. Ernie Hardeman: —all those independents couldn't raise any money. It would put us at a disadvantage.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for your presentation today, Mr. Meslin.

Mr. Dave Meslin: Thank you.

The Chair (Mr. Peter Z. Milczyn): If you do want to provide anything further in writing to the committee, the

deadline is 6 p.m. on Thursday, May 12. If you want to send more beer coasters, that would be the deadline by which to do it.

Mr. Dave Meslin: I shall do that. Thank you.

Mr. Ernie Hardeman: We should have a set.

TOWN OF OAKVILLE

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mayor Rob Burton. Good afternoon, Your Worship.

Mr. Rob Burton: Good afternoon, sir. Thank you very much for the opportunity to share some thoughts with you.

The Chair (Mr. Peter Z. Milczyn): Please start by stating your name for the official record.

Mr. Rob Burton: I'm Rob Burton, the mayor of Oakville.

There was some discussion of Oakville earlier in this chamber, and so I thought it would be a really good thing to start by telling you that headlines—as all of you know as experienced participants in public life, headlines aren't always written in the best of conditions and they are not always an accurate reflection of what's actually in the story. Alas, we do have a bit of that here.

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I thought the best way to dispel that is to read you word for word the resolution that Oakville's council unanimously adopted in a recorded vote Monday night in support of Bill 181:

"Whereas, Bill 181, Municipal Elections Modernization Act, 2016 has passed second reading and is currently under consideration by the Standing Committee on Finance and Economic Affairs; and

"Whereas, the proposed changes, if passed, give municipalities the authority to pass a by-law to use ranked ballot voting, beginning in the 2018 municipal elections; and

"Whereas, ranked ballots would allow a voter to rank candidates in order of preference and replace 'first-past-the-post' vote counting; and

"Whereas, municipalities that choose to pursue the option of implementing ranked ballots will be required to hold at least one public meeting; and

"Whereas, municipalities would have the power to hold a referendum to determine public sentiment for the ranked ballot option; and

"Whereas, the bill seeks to give all municipalities the option to ban corporate and union donations; and

"Whereas, Bill 181 also proposes to shorten the campaign calendar by opening nominations for candidates on May 1 instead of January 1; create a framework to regulate third-party advertising, including contribution and spending limits; make campaign finance rules clearer and easier to follow for voters, candidates and contributors; remove barriers that could affect electors and candidates with disabilities; and make it easier to add or change information on the voters' list;

"Therefore be it resolved that the town of Oakville supports the intent of Bill 181 to modernize the Muni-

pal Elections Act and will undertake consultation with the Oakville public when the framework and details for ranked ballot elections are set out in the regulation.”

I think it’s fair to say that we fully support the bill. It’s important to understand that the bill contains options for local choices, and that is a very important thing to the people of Oakville. I believe all across the province you will find that people have a great fondness for thinking that they ought to make their own decisions for their own future in their communities.

We also believe that the government’s selection of the approach of using the broad principles in the act and the details in the regulation is a worthy one, and we believe that it will allow the government to be more nimble. All across the province I know that everyone wishes for a government that is nimble and responsive, so we support that as well.

I would say, on the question of non-serious candidates, that all the mayors of the 905—I’m not telling a secret. We meet and we talk amongst ourselves and we all believe that there’s a problem of non-serious candidates, in effect, abusing the public’s patience and time at elections. At the municipal level, we have long believed that making election rules consistent for the three levels—municipal, provincial and federal—would be a good thing to do.

We have always found it interesting that sometimes it seems like when there’s a problem at the provincial level about anything—say, campaign finance—the government’s response is to say, “Look over here. We’re going to reform municipal finance.” We’re the downhill folks and we receive this kind of help and we—I have a number of points I’d like to point out where there’s an anomaly. For instance, in chasing the reduction of non-serious candidates, we’re reintroducing the idea of a nomination paper, where you have to get 25 signatures, but I’m pretty sure that you have to get 100.

I have to ask if your sauce wouldn’t be a better sauce for us than to have 100 for you and 25 for us. I don’t know the rationale for it, but I believe at the federal level it’s 100 as well. If we were able to agree that all of us should be 100, at least there wouldn’t be any confusion about it. If it works for you, it might work for us, and if it’s going to work for us, where is your change to make yours 25? That would be the question I put to you.

We also believe that being consistent is an important part of appearing to be fair and that to have different rules for different folks won’t look fair to the public. So when it comes to this question of third parties that you’ve heard about today, it is true that unincorporated groups may wish to register as third parties. The bill says they’re either individuals or corporations. We believe that this bill is the way to go to ensure accountability. Otherwise, we think you’re going to allow people or corporations to hide behind ad hoc group names. We say, let such groups incorporate.

I led several incorporated citizen groups: a residents’ association and an ad hoc clean-air-seeking organization. They were very small. We didn’t have a big budget. In-

corporating was not a burdensome duty on us. We didn’t have to; we did it voluntarily. I believe that we can let such groups incorporate. I don’t think it’s that hard, and I question the motives of people who can’t accept a minimum of process.

On the question of parties, we have no parties in our council chamber. We have council members—in my case, about 50-50—who are known to be members of two different political parties, but in my tenures as mayor, I have never seen a party vote in my council chamber. We’ve always parked our party affiliations at the door. I believe that that is, in fact, the practice all across Ontario. I actually think that it’s one of the strengths and beauties of the Ontario approach to organizing municipalities.

It’s fashionable to talk about how we have the weak mayor system and we don’t allow political parties. It is fairly unique if you look around North America, where there are many, many ways of organizing municipalities, but I think we have a really wonderful system in that, if you have the confidence of council, you can get things done, and if you haven’t the confidence of council, you’re pretty much stymied. We’ve had examples of that, and I think that’s actually the beauty of our system. I would urge you to do whatever you can to not lose that.

On the maximum donation level, we ask: Why is the maximum amount that individuals can give \$750 when the maximum at the provincial level is about twice that? I run in an area that is more than the size of one and a half ridings. What would be the harm if you had consistent rules about election donations?

On the question of ties, theoretically, it’s possible for there to be a tie at some point in a ranked ballot system, depending on the counting method used. There are about five different known counting methods. I’m expecting that the government will probably prescribe the counting method, but in the event of a tie—right now, we have this flip-a-coin, draw-a-card, game-of-chance approach to breaking the tie. In a ranked ballot system, what would be wrong with having the tie go to the one with the most first-place votes? I just leave it out there as a question for thought.

Finally, on the question of reporting, I echo my friend Mr. Meslin. By the way, I think he cleaned up really well today. I think that the clerk should be required to report the results of each round. I believe that transparency is an incredibly important piece of the public having confidence in elections.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for your presentation. We’ll start this round of questions with the government. Ms. Hoggarth.

Ms. Ann Hoggarth: Hello, Mayor Burton. It’s good to see you again. Thank you for your involvement and your interest in this bill. I’d like to know: Do you feel that you have been well consulted in the development of this bill?

Mr. Rob Burton: Yes, I do. In fact, I’m not at all dissatisfied with the consultation that we’ve had on the bill.

Ms. Ann Hoggarth: Great. In your opinion, what are the most effective tools to support ranked ballot voting in the municipalities across Ontario?

Mr. Rob Burton: If I understand the question correctly, passing the consultation activity down to us to conduct at the local level is the strongest thing on the table here, because it allows the local community to feel that they own the outcome.

Ms. Ann Hoggarth: I was pleased to hear in your motion that there will be at least one public—that's what it says in the bill—meeting.

Mr. Rob Burton: Oh, in Oakville, we have public consultation guidelines that go above and beyond any provincial requirement.

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Oakville is a town that loves to be consulted. It's full of people with opinions that they're interested to share. I actually embrace that. I've come to believe that the more input we have on decisions, the stronger the decision we make. So it's never been a burden, and we often wind up with much more success. I can count on the fingers of one hand, in 10 years, the split council decisions that we have had as a result of the extensive public consultation that we do. When we come to a decision, we have really worked it out with the community.

Ms. Ann Hoggarth: Great. Do you think it is important that the municipalities get to decide whether to ban corporate and union donations, or do you think that should be done in this bill?

Mr. Rob Burton: I support local choice. I can tell you that my council—let's see; it's tricky to do. Mayors are not supposed to predict what they think councils will do. You're supposed to call the vote before you announce it. I'm not announcing a vote in advance or anything, but if I was forced to guess, I would confidently bet that my council will ban union and corporate donations.

Ms. Ann Hoggarth: Okay. The shorter campaign periods: Will they allow for better municipal elections?

Mr. Rob Burton: I believe so. I take the point expressed earlier that the actual writ period, the campaigning time, is actually a little improved—lengthened—and my council and I are looking forward to that. We think the January start was burdensome.

We also think that there was a degree of voter fatigue that happens from having the campaigns too long.

We believe this bill is in harmony with our needs.

Ms. Ann Hoggarth: Thank you so much.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. We'll go now to the official opposition. Mr. Hardeman?

Mr. Ernie Hardeman: Thank you very much, Your Worship, for being here and making your presentation. It's much appreciated.

I did want to clarify one thing. The motion that you read from council—and I know the parliamentary assistant and myself have had some debate—the actual bill does not include one public meeting.

Mr. Lou Rinaldi: It will be in regulations.

Mr. Ernie Hardeman: We've checked that with your ministry and got that confirmed this morning. Not that it makes any difference, because I was more interested in your consultation of what council proposes to do prior to

making any decision on whether you want to propose it. I think that's the important part.

The question, though, becomes: How can we be sure that all councils are going to do that? Obviously, you said you have a very, very stringent guideline for all your public consultation. That's what makes your municipality work well. But that's not true from all the people who came and spoke to us. At both their municipalities, they have some concerns that in some of the issues, their municipality will not do the consultation, and then, in the end, will not necessarily do what the consultations suggest but will do some things for their own benefit on some issues. In a municipality where they're getting a lot of development money through donations, the people there are concerned that they will not vote to not accept them anymore with the present council.

How would you envision that the province could guarantee, on behalf of all the constituents we have, that the public is going to be involved in those decisions?

Mr. Rob Burton: The government can ensure that, if they enshrine it in regulation—I can only assure you that it will happen in Oakville because our community is so engaged that we couldn't do anything without public consultation. It would be a career-limiting move to do anything without consultation in Oakville.

It may be that other communities have a different outlook on life. It's a fine dilemma because I used to be a conservative, and I'm happy to remind you that it's a tenet of conservatism that the local community should decide. You can't have it both ways. You have to either believe in that or not.

I think that everywhere that people are concerned about it, there will be a grassroots swell of interest and concern on it. I do personally believe that we need to get developer money, corporate money and union money out of politics. I believe that be true at the provincial level as well as at the local level. I believe in consistency, so—

The Chair (Mr. Peter Z. Milczyn): I'll cut you off there, because the three minutes are up.

Mr. Hatfield for the New Democrats.

Mr. Percy Hatfield: Rob, I was hoping that you were going to say, "I used to be a Conservative, but now I'm a New Democrat," but you didn't get there.

Mr. Rob Burton: Percy, I've been recruited by the NDP three times. Keep trying.

Mr. Percy Hatfield: Consider yourself recruited again, then.

One thing that you didn't address, Your Worship, was the lame duck period between the time of the election and the first meeting of the new council. Do you have any concerns about the lame duck period at all?

Mr. Rob Burton: Well, in 2006, when I was first elected, the lame duck period happened to be exactly three weeks because the election day, at that time, was in November and the term began on December 1. Three weeks was just enough, if you see what I mean. I wouldn't want a shorter one than that. I know people who work so hard on their elections that their fondest wish after winning one is to have a vacation to get ready, so I don't know.

I don't believe that the time frame is a big problem. There are other provisions about what councils can do in a lame duck situation that, I think, adequately protect the public. I'm not sure that it's a big issue.

Mr. Percy Hatfield: Okay. Let me ask you this, then. You do favour consistency between municipal, provincial and possibly federal, be it campaign donation amounts or the number of signatures on a ballot. Why would you not favour a mandatory ban on corporate and union donations, as opposed to a voluntary ban, for consistency, if the province is about to do it anyway?

Mr. Rob Burton: I'm in favour of consistency. That might be the best answer that I can give you.

Mr. Percy Hatfield: All right. Give me your best answer on your personal view on ranked ballots.

Mr. Rob Burton: My personal view of ranked ballots? I believe, if we use contingency voting counting, that it's a fine system. To make that plainer, you keep the top two and distribute the others. It's the simplest approach.

Mr. Percy Hatfield: Do you have wards or city-wide in Oakville?

Mr. Rob Burton: We have wards, and I'm a big fan of wards. We have a funny culture—maybe “funny” is the wrong word. It's kind of a schizophrenic thing. You're sworn in to work for the entire town, but you're elected by the electors of a ward. I think that's a lovely dichotomy. That's a lovely dualism.

Mr. Percy Hatfield: Has LUMCO taken positions on any of these, or has AMO?

Mr. Rob Burton: AMO has taken positions on these, and I have them here. In one or two tiny little ways, I may be out of line with AMO.

Mr. Percy Hatfield: So you'll send us a letter later on, telling me what those are?

Mr. Rob Burton: I'd be glad to give those to you.

Mr. Percy Hatfield: Thank you, sir.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. Just to that point, Your Worship: If you do wish to submit anything in writing, the deadline for that is 6 p.m. on Thursday, May 12.

Mr. Rob Burton: Thank you very much, and all the best with your deliberations.

The Chair (Mr. Peter Z. Milczyn): Thank you.

MS. CATHRINE McKEEVER

The Chair (Mr. Peter Z. Milczyn): Our next witness is Ms. Cathrine McKeever. Good afternoon.

Ms. Cathrine McKeever: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): You have 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Ms. Cathrine McKeever: Yes, it has already been corrected; thank you very much. Our name is McKeever—Cathrine McKeever, Bowmanville, municipality of Clarington.

Good afternoon. The ranked ballot certainly gives new meaning to the saying, “Vote early, vote often.” We have

an electoral system that is easy to explain, easy to understand and easy to calculate: One person, one vote; whoever earns the most votes wins. It cannot be more democratic than that.

1600

The voters of the ward or municipality or riding make their choice. For example, they want candidate A to represent them. Candidate A has received the majority of votes for that position; ergo, A is the winner. How easy was that to explain, to understand and to calculate? Candidates B, C and D did not garner enough support, did not convince enough voters of their capabilities; ergo, they did not win the position.

The complaints from those who did not vote for A are that their votes did not count, that it's not fair, that it's not democratic and that the majority voted against A. Well, no. If you insist on counting votes against rather than for, the majority voted against D, who had the least votes, followed by C, then B, with A having the least votes against. A is still the winner.

I don't know when voting against someone crept into the election process. Perhaps it was when private and public sector unions or other special interest groups decided that they were entitled to more than those of us not so aligned who have less influence. I suggest they all buy pink shirts and try to stop bullying the rest of us.

There are decent candidates who want to do what is best for all, and sensible people vote for them. Then, there are selfish candidates who narrow that view, implying that they will do what is best for some. Strategic voting enters democracy: “Don't vote for someone; vote against them. We must stop them getting the power to take our stuff. We must stop this democratic process, must change what words mean and must manipulate the numbers.” This strategic voting movement is so Orwellian that maybe it started in 1984.

How many of you were elected because you earned your votes? How many were elected because of strategic votes?

The previous Premier failed to end our democratic process because the voters said, “No.” Now you are using the thin-edge approach municipally, while the Prime Minister has said he will end it federally. At least Premier McGuinty held a referendum. But, since both provincial and federal Liberals now have majorities, you need not bother. You can now change our democratic system to replace it with your first-past-the-post system, change what words mean—majority: not the greatest amount, but 50% plus one—and manipulate the numbers—not one vote, but infinite. You truly can engineer our election process into oblivion.

You claim that you can increase voter turnout by forcing citizens to vote for representatives they do not want. Yet you're not interested in what voters say about this voting. Let the municipalities decide—but decide before next December. Presumably you're pushing this through so you can have it in place for the next provincial election, when those aforementioned unions and special interest groups really come into their own.

An MPP from London says that they want ranked ballots, but Toronto says they don't. If there are six candidates for mayor of London but 18 for mayor of Toronto, do Torontonians only have the same six votes as Londoners? Or do Londoners get the same 18 as Torontonians? Have you lengthened the campaign period by six weeks so clerks have time to tell residents how many votes they are allowed for each position, based on the number of votes you have given other municipalities?

If Clarington has five candidates for mayor, I will vote five times for the person I choose, because my neighbour also has five votes to cast but uses them for ranking. Is my ballot invalid because I refuse to cast charity votes? You say it is not multiple votes, but if you are counting seconds and thirds from ballots, what are they if not votes? All this just to achieve your Orwellian majority of 50% plus one. Let's face it: If you need to rely on third-place choices, you're really not the one wanted, are you?

Of all the things Ontarians petition their government for, you seem to have picked one not high on their list, then combined it with other items to make it tenable. You've picked a small group to support your actions and called it "consulting the public." I will allow that you appear to have consulted more on this than you did on the condo act, when you consulted three.

If you are so convinced this is the perfect system, why not allow the voters an opportunity to agree with you? Conversely, why not just divert a portion of those taxpayers' dollars going for sex ed classes to classes on civic responsibility? Would a few hours of unbiased explanation about our existing system of one person, one vote, by ward or riding be too much to ask? At some point in education, as in life, multiple-choice answers are abandoned in favour of definitive ones. Just because lots of students picked "D" does not mean the answer to four plus six is 11.

Minister McMeekin stated that our electoral system is broken and he's going to fix it. A few years ago, this would have meant I would have to rank a man under charges for domestic abuse; a second with two restraining orders to stay out of town hall, one for assaulting our municipal clerk, the other for threatening staff; and the third, who I wanted to be our mayor anyway. Guess who the sensible voters of Clarington chose?

In larger cities, there may be 10, 15 or 20 mayoral candidates to be ranked—again, an experience not likely to increase voter participation, especially when there are still untold councillors to be ranked. Isn't the goal of this manoeuvre to take this system to provincial and federal levels, when political parties legitimately enter the fray? Here, you get voters to rank by ideology, not capability; by greed, not by need.

While those on the left may have multiple choices for representation, those of us who are right do not. To tell me that I have to rank the Flying Elephant Party, the Wash Your Dishes Daily Party and the Only Read Non-Fiction Party is not a modernization of elections, but a mockery.

I realize you won't answer my questions about your motivations for pushing this scheme, but one I demand an answer for is: How dare you tell me who to vote for?

Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. We'll start this round of questions with the opposition: Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. Very well done. Obviously it only deals with, as you mentioned, the main item that you have concern with in the bill. I'm glad you made the presentation so emphatically.

Mostly, though, my position has been that what we have here is a proposal to change the way people get elected in municipalities, and then giving the authority of whether they should switch or not to those same people who in fact would or could benefit from having it done. I've been suggesting all along that, at the very least, this is the direction in which we want to go and I'm not going to make it a choice on that vote as to how they vote for, but at the very least the people should have an opportunity to vote in a referendum of whether they want it.

As you mention in your proposal, Dalton McGuinty did a lot of things wrong but the one thing he did at least do was he—

Ms. Cathrine McKeever: He didn't need to bother having a referendum either. More taxpayers' dollars wasted.

Mr. Ernie Hardeman: But he had a referendum towards whether the people wanted change, and the people decided that they didn't want the change. That's the point I'm trying to make. I have a feeling—we've a bit of debate in this committee about how the city of Toronto wants it one way and then they want it another. The city of Oakville has made a decision that they want to take it to the people through consultations. The city of London has had some discussion about it, but no decision yet.

But why would the council have to make the decision, as opposed to the people, whether the people want the job applications that they're giving out to the politicians at the time—whether they want the application changed?

Ms. Cathrine McKeever: Quite simply, because the Liberals said so and they've got the majority. Ergo, it's going to happen. I've sat here and listened to people—like Bowmanville. Anybody heard of it? It's west—east of here, rather. There's a world outside of Toronto. I hear people say that all the time, but not until this afternoon have I actually felt the annoyance at people who live in Toronto, who think they are, quite frankly, the centre of the universe, when in fact it is Bowmanville, and we know it.

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No, this is not democracy. Ranked ballot—oh, cheerleader, yah, yah, yah. No: one person, one vote, not ranked. Who are you people to tell us who we have to vote for? That is the most insulting, disgusting, undemocratic, infuriating thing I have ever heard since Dalton McGuinty did it a couple of years ago.

Mr. Ernie Hardeman: The other thing, of course, on that same issue—

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman—
Ms. Cathrine McKeever: Nor councillors.

The Chair (Mr. Peter Z. Milczyn): —we'll cut you off there. That's the three minutes. We'll move on to Mr. Hatfield for three minutes.

Mr. Percy Hatfield: I'm from Windsor. That's the centre of the universe. It's close to Bowmanville in the sense that it's not Toronto.

Ms. Cathrine McKeever: It's the centre of the south universe.

Mr. Percy Hatfield: Yes. Thank you. We're close to Motown, too.

Cathrine, can I get your opinion on party affiliation on the municipal ballot? Are you in favour of that or not in favour of that?

Ms. Cathrine McKeever: Not in favour of it. Realistically, coming from a small town, everybody's on committees. Everybody knows what everybody does. He's talking about Oakville being small. Bowmanville is small. Come on. Everyone knows.

No, I don't see a need for an affiliation. As you pointed out earlier, where's the expectation? Okay, so you're with this party; you're elected. Where is the party paraphernalia behind this to support this? You've got a party paraphernalia. You do; they do. Where is the party paraphernalia? How does it affect anything in a municipality?

Mr. Percy Hatfield: Have you run for council before?

Ms. Cathrine McKeever: Council, provincial, federal—oh, yes. You've never seen my name on anything. No, I'm way too odd to be elected, apparently.

Mr. Percy Hatfield: Not outspoken, no?

Ms. Cathrine McKeever: Despite the fact I'm a woman. Gee, there's diversity.

Mr. Percy Hatfield: I get it.

How much time is left?

The Chair (Mr. Peter Z. Milczyn): One and a half minutes.

Mr. Percy Hatfield: I take it you're not a big fan of Dalton McGuinty?

Mr. Han Dong: "You are" or "you aren't"?

Mr. Percy Hatfield: Aren't.

Mr. Han Dong: Oh.

Ms. Cathrine McKeever: Are you asking me or him?

Mr. Percy Hatfield: No, no. I know he's not.

Ms. Cathrine McKeever: Oh, okay.

Mr. Percy Hatfield: No, I'm kidding.

Ms. Cathrine McKeever: Then what are you doing over there, man? Get over to the right side of the table.

Mr. Percy Hatfield: I'm just having fun, Cathrine.

Just for clarification, in your presentation you talked about the condo act and the consultation. You said, I think, you only consulted with three. I just want a clarification—

Ms. Cathrine McKeever: Well, there were three condo owners consulted. There were 14 developers consulted, 12 lawyers and then some kind of banker—financial people.

Mr. Percy Hatfield: And one condo owner put on a committee?

Ms. Cathrine McKeever: And three condo owners.

Mr. Percy Hatfield: But one put on a committee—only one owner put on a committee?

Ms. Cathrine McKeever: What committee?

Mr. Percy Hatfield: The committee that—

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, could you come back to Bill 181?

Mr. Percy Hatfield: If I have to, yes. I was enjoying Ms. McKeever's—

Interjection.

Mr. Percy Hatfield: I'm just sorry I didn't wear my pink shirt today, that's all—or one of my pink shirts today.

Ms. Cathrine McKeever: The lack of consultation is well noted from the governing party—

Mr. Percy Hatfield: Thank you.

Ms. Cathrine McKeever: —who now probably won't have questions. So maybe you can continue.

Mr. Percy Hatfield: Oh, no. They're just—

The Chair (Mr. Peter Z. Milczyn): Thank you. Now I'll go to the government side for three minutes. Mr. Dong.

Mr. Han Dong: Cathrine, good afternoon. First of all, I want to thank you for coming all the way down here and making your presentation. I can hear that you're very passionate about the democratic process. I just want to assure you that we take—

Ms. Cathrine McKeever: Then why are you doing this?

Mr. Han Dong: —we take great pride in representing our ridings.

You ask a good question: Why are we doing this? In the last municipal election, there were councillors elected with 15% of the support—

Ms. Cathrine McKeever: So? If the majority—

Mr. Han Dong: —with 20%—

Ms. Cathrine McKeever: The majority is the greatest number of votes—

Mr. Han Dong: You had your chance for your presentation—

Ms. Cathrine McKeever: —on each side.

Mr. Han Dong: If I may, I would like to ask a question—

Ms. Cathrine McKeever: Okay.

Mr. Han Dong: —and I hope you have an answer for it. I just want to point out that, as the bill stands right now, if passed, municipalities are not forced to carry out a ranked ballot system. They do have a choice. Now, they're requested to host a public hearing where they get everybody's voice—

Mr. Lou Rinaldi: It's in regulations.

Mr. Ernie Hardeman: It's not in the bill.

Mr. Han Dong: Well, we talked about this before.

So they will have a fair chance to consult with their constituency on which direction to go, but they're not forced; it's an option to them. I just want to point that out.

I do have a question for you—

Ms. Cathrine McKeever: But you're forcing the bill in the first place. You're forcing the action in the first place. You are forcing the municipality to do this.

Mr. Han Dong: No, we're providing an option to municipalities that would like this option.

Anyway, my question is on your position on banning corporate and union donations. Do you think that's the right way to go? Again, that's a municipal choice—

Ms. Cathrine McKeever: I think it's actually irrelevant, because there are other ways to benefit, rather than just financial. There are many other ways that particularly developers—anyone with enough money to give something with the expectation of a return of some kind is going to get it. It doesn't have to be money.

Mr. Han Dong: So you are not for the idea for—

Ms. Cathrine McKeever: I think it's irrelevant.

Mr. Han Dong: You think it's okay with corporate—

Ms. Cathrine McKeever: No, I said it's irrelevant.

Mr. Han Dong: It is relevant, because that is what's happening right now. They are donating to candidates and—

Ms. Cathrine McKeever: Yes, but if you say, "No, no, you can't give money anymore," then there are ways in kind to get it.

Mr. Han Dong: Ah, I see what you're saying.

Ms. Cathrine McKeever: That's why I say it's irrelevant whether you can give money or give whatever promises.

Mr. Han Dong: Do you feel that candidates are now being—

Ms. Cathrine McKeever: Nudge, nudge, wink, wink—you know.

Mr. Han Dong: Oh, gotcha. All right, thank you.

The Chair (Mr. Peter Z. Milczyn): That's your three minutes. Thank you, Ms. McKeever, for your presentation. If there's anything further you'd like to provide to the committee in writing, the deadline to do that is 6 p.m. on Thursday, May 12.

Ms. Cathrine McKeever: Okay. Thank you.

MR. PATRICE DUTIL

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Patrice Dutil. Mr. Dutil, you have 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Mr. Patrice Dutil: Yes, good afternoon. My name is Patrice Dutil. I'm a citizen of Toronto, a resident of Toronto. My full-time job is professor of politics and public administration at Ryerson University. Thank you very much for this opportunity to speak to you this afternoon.

J'ai un grand plaisir de comparaître devant vous cet après-midi. J'évoque le souvenir de mes parents, qui auraient été très fiers de voir leur fils s'adresser au Parlement de leur province adoptive en français.

I'll speak in English. Je serai très heureux de répondre à vos questions en français, si vous le désirez.

I have two broad points I want to make to you this afternoon. The first one is regarding the proposed reforms to the electoral system, namely the single transferable vote. Secondly, I want to speak to you in favour of legislation that would allow parties to be formed and to be active on the municipal scene.

The purpose of this act is to make the municipal system more transparent, more attractive, where people will feel better educated about the issues, more aware of the issues, and hopefully allow for a higher turnout, because we have in Ontario a very low turnout.

Does this bill meet that test? It does not. There is absolutely no evidence whatsoever that the transferable vote has ever made any difference to turnout. There is no evidence of this. In this period when we are talking constantly about evidence-based policy, I'd like to see a study, any study, that shows that STV has ever made a difference.

People will point to Australia, for example. Everybody knows that in Australia, you are required to vote, by law. It is not STV that has done it. Ireland has STV. The turnout is declining.

I think it's incumbent on the government, it's incumbent on the public service, to prove that STV has made a difference and that STV, if applied in this province, will actually make a difference in terms of municipal turnout, in terms of municipal awareness, in terms of producing a more educated public. There is no evidence. Why go into this rabbit hole when there is no evidence?

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There are other things, however, that jurisdictions around the world have done, and that's the first—I handed out a very brief summary of some of my points. I'm surprised it's not addressed in this legislation. Why not vote on Sunday? If you want to look at jurisdictions that have high turnouts, they vote on Sunday. They vote when people have time off. Having the vote on Monday, when people are working, when people are busy, when people are stuck in traffic, is inadequate. It has been 25 years since Sunday shopping. We could vote on Sunday, with lots of opportunities to vote beforehand, of course. But if you want to vote, let the vote happen on Sunday. Allow Ontarians to make a party of it: Have a picnic; go vote.

The government should be investing—not a loan, but in consortium with other provinces, with the federal government and with municipalities—into electronic voting. Why aren't we doing more work on electronic voting? It's 2016. We can move millions of dollars with the push of a button. We can't vote? Surely we've come to a stage in this province, in the sophistication of this province, where we can vote on Sunday and we can vote electronically. If you want to make a difference, if you want to raise turnout, if you want to raise awareness, vote on Sunday. You can make it Saturday if you want; most people are off on Sunday. Do it Sunday.

STV: There's no indication that it has ever worked. The other last point I want to make on STV is that it has to be put to the people. This is not something that should

be an option for municipalities, and there is law behind this. It is now a constitutional convention in this country—a convention—that any change to the voting system must be put to the people. It's not something that is just thought up at the last minute.

British Columbia, Ontario, New Brunswick, PEI: In all cases, the proponents of changing the system said in great detail that the matter was so important, so fundamental to our political culture that it had to be put to the people. In this bill, the municipality has the right to consult or not to consult, or do something or not do something. That is completely unacceptable. Any change to such a fundamental aspect of our democracy—our democracy that will be celebrating its 225th anniversary next year—needs to be put to the people. It is constitutional convention. It is not just a whim; it is convention. A convention—look at your constitutional law—is extremely important.

I'll also say that, of course, Great Britain had a referendum on adopting electoral changes, and they were turned down also. In Australia, where there has been a long-standing practice of electoral reform, the last time it happened they had to go to the people. They went to the people. New Zealand went to the people. You have to go to the people.

No municipality should have the right to change the voting system without going to the people, period. In fact, I'll go so far as to predict that any change to any municipal system this way will be challenged in the courts, and it will be challenged on constitutional grounds. There should have been more research on this. I'm very disappointed that there wasn't.

I want to make a pitch for political parties. I published an op-ed in the Toronto Star a couple of weeks ago. I think that citizens in municipalities should have the right to form parties if they want to—they don't have to; if they want to. Why is that? Because parties matter in the mission of educating the public, of recruiting candidates, of vetting candidates, of ensuring that candidates are accountable. We all talk about the diabolical case of a councillor in Toronto having been elected with 15% of the vote. I agree with you; that's completely unacceptable. But how are you supposed to know the difference? None of these people are known. There are 20 candidates on the ballot. You might as well throw a dart.

The only way we can educate citizens, the only way citizens can educate themselves, is if the candidates tie themselves to a political party, to a program, and a program that holds people accountable. It doesn't have to be Liberal, Conservative, New Democrat; it can be local civic parties. This is the case in Quebec; it's the case in Vancouver. They've done quite fine. In a city like Toronto with a \$10-billion budget, we are stuck in a situation where we literally do not know who we're voting for.

What happens in terms of politics? Well, it is the incumbents who win. The only thing you ever hear from anyone is in a newsletter that comes from your councillor every season, paid for by the taxpayer. Anybody who wants to challenge the incumbent is literally disarmed.

This person cannot even spend money between elections to make herself or himself known.

We have a system that is rigged in favour of incumbency, and I suspect—there is no study of this, but I think the government of Ontario should pay for a study like this, of the rate of incumbency in our province. A rate of incumbency that is too high is an indication of a sick democracy. Democracy lives, democracy is fertilized when there is a turnover of power, and the only way you're going to have a turnover of power is if people actually know who they're voting for. Political party labels are the best tools we have in our political culture to make that known.

In summary, I think the STV, as it is cast in this bill, should be deleted. If it's not deleted, then there should be an amendment that it be put to the people. There should also be provisions. I've made an attempt to amend what's there. Obviously, the British Columbia legislation could be much more inspiring in terms of the wording to establish the constraints and the regulations around political parties. Certainly, I think that a committee like this should look into that and hopefully consider it in its final report.

Thank you for listening to me.

The Vice-Chair (Mr. Yvan Baker): Thank you very much, monsieur Dutil. Now the questions will pass over to the NDP. You have three minutes.

Mr. Percy Hatfield: Patrice, you mentioned that in Quebec, they have political parties at the municipal level. My recollection of the inquiry into construction malfeasance—mayor after mayor all fell by the wayside. Why do you think having political parties is going to lead to good governance when it hasn't happened in Quebec?

Mr. Patrice Dutil: In terms of Quebec, you're associating two things that should not be associated. There was something wrong with the political culture there, but it's not the fact that the parties existed. It's not because there are parties that there was corruption. There would have been corruption no matter what. So I don't see the link between corruption and political parties.

The reality is that political parties in Montreal have risen and fallen. They change. They move as the population articulates different perspectives, different needs. I really don't see the link between the fact that there are political parties and corruption. I don't deny the corruption.

Mr. Percy Hatfield: What evidence do you have for the committee that if we had political parties in Ontario at the municipal level, it would lead to better governance?

Mr. Patrice Dutil: I have the examples of what's happening at the federal level and at the provincial level. The reality is that we have an electoral system at the federal level and provincial level that has worked, where parties have blossomed, have articulated perspectives, have put together programs, have run on those programs, are held accountable to those programs. Our system works. Give credit to the system when it works, and our system has worked.

We've had changeovers in government. Sometimes, we've had dynasties that have lasted too long—historical accidents. But we have a system that is flexible enough, where people can in fact articulate and put into action their desire to see a change in government. Our system has worked. Our parties are sufficiently distinct that they provide an alternative for the people.

Mr. Percy Hatfield: Your op-ed page was “Toronto Needs Political Parties;” it wasn’t “Ontario needs.” Could you not then change the City of Toronto Act as opposed to—

Mr. Patrice Dutil: That is an option for you. I published it in the Toronto Star, so I kind of thought I should make it “Toronto.”

Mr. Lou Rinaldi: I get the Toronto Star.

Mr. Patrice Dutil: Sorry?

Mr. Lou Rinaldi: I get the Toronto Star in Brighton.

Interjections.

Mr. Patrice Dutil: It could be “Ontario.” In fact, I would argue that it should be consistent across the board. 1630

Mr. Percy Hatfield: My recollection, reading Public Power, a book that Howard Hampton wrote about the history of public power in Ontario, is that referendums were regularly held on holidays, on Sundays, or even on New Year’s Day, way back when we first got electricity off Niagara Falls. Somewhere along the line, that changed. So I like your idea about Sunday voting.

Mr. Patrice Dutil: I think it’s critical. This works. In Europe they have high turnouts; they all vote on Sundays.

The Chair (Mr. Peter Z. Milczyn): Thank you. We’ll now go to the government side for three minutes. Mr. Baker.

Mr. Yvan Baker: Thank you very much, Mr. Dutil. First of all, I just wanted to comment on a few of the things that you were saying in your testimony. I have a couple of questions for you. I wanted to highlight that around the issue of the ranked ballot, or the single transferable vote as you put it, that’s something that is a choice of every municipality. Each municipality can choose.

The other thing I wanted to point out is that that choice will be informed, undoubtedly, by what the voters’ expectations might be as well as the conventions of that municipality in terms of how they consult with voters and make decisions. We just had testimony from the mayor of Oakville talking about how the people there—informed decision-making there. That may be appropriate for Oakville; you might tweak that somewhat for the constituency in Barrie or for Trinity–Spadina or for the city of Toronto and so on. This allows for some customization.

The other thing is that you talked a lot about the importance of having a referendum. My question around that is, if you believe that a referendum is required—and you should tell me if I’ve misunderstood—I presume that you believe that because you believe that you don’t want to have a majority of voters sign off on or approve

changes to the electoral system. Wouldn’t that same principle apply if you were looking to—isn’t that what the single transferable vote, or what the ranked ballot allow voters to have: that 50% of voters would have to vote in favour of a candidate to elect them? That’s a question of principle. I’m trying to understand whether the principle applies—that 50% of people need to support the decision as to whether or not the system changes—when you apply that same principle to every other decision that that municipal government makes. That’s my question to you.

Mr. Patrice Dutil: Can I answer that?

The Chair (Mr. Peter Z. Milczyn): Yes.

Mr. Patrice Dutil: I would go further. British Columbia unanimously voted that the threshold was not 50% but 60%. I support that. In Ontario, if you want to change a corporate bylaw on a fundamental aspect of a company’s mission, you need 60% of the vote. Why is that? Because it is central to the mission of the organization. It cannot simply be 50% plus one. My point to you is that voting is so critical to our political culture, so critical to the way we elect, that it cannot simply be 50% plus one. It has to be 60%.

Now, are you asking, should there be lots of referendums? That’s entirely up to the municipality. If the municipality says that this issue is vital to their concerns, then they should put things to a referendum. I have no objection to that. But I think that on an issue like this one—how we elect our municipal councillors or our mayor—it should be 60% and it should be put to the people. You are changing the rules of the game. Put it to the people. It cannot simply be a choice of incumbents.

Mr. Yvan Baker: How much time do I have, Chair?

The Chair (Mr. Peter Z. Milczyn): No time. We’ll move on to the official opposition for three minutes.

Mr. Ernie Hardeman: Thank you very much for your presentation. Obviously, I was interested in your talking about the ranked ballot system. We will be—to reassure you—putting an amendment to change that. I can’t promise the government is going to vote for it, but I can promise it will be introduced; but it wouldn’t go so far as to tell them what kind of standard they would have to meet. If the standard is any referendum, it can’t win without 50%. But whether they want to increase that is something that could be decided as a local thing.

The other thing I think is important: Do you think it would be necessary that, in fact, you would have to include a percentage of the voters having voted? That makes it a much more difficult one. I just wonder whether you would think that would be important or not.

Mr. Patrice Dutil: You are raising a very important point—thank you, Mr. Hardeman. The reality is that in British Columbia, for example, 58% of the people who voted voted in favour of change, except that something like 40% of the people turned out, which means that the actual percentage of British Columbia voters who actually voted for change was less than 30%. That’s not good enough to change the rules of the game. It’s just not enough.

So I think that a municipality should be required to set those rules. I still think that because this is so important, it should be 60%. I don't think that a municipality, a local government of incumbents, should be protecting its place in power this way. You're giving the incumbents too much power.

Mr. Ernie Hardeman: Can I ask, though: If you're using the argument that you have to have that higher percentage of voter turnout, isn't that somehow taking away the democratic process, that those people who don't come out to vote carry the same weight as those who do, because they can stop something from happening by not showing up?

Mr. Patrice Dutil: I agree. I want to clarify: When I say 60%, it's 60% of the people who have actually turned out to vote. I think it should be higher, but let's be reasonable. I agree with you: To be reasonable, it should be 60% of the people who are turning out to vote, yes.

Mr. Ernie Hardeman: Okay. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for your presentation this afternoon.

Mr. Patrice Dutil: Thank you very much. Good luck with your deliberations.

The Chair (Mr. Peter Z. Milczyn): If there's anything further you'd like to submit in writing, you can do so until 6 p.m. on Thursday, May 12.

M. Patrice Dutil: Merci.

Le Président (M. Peter Z. Milczyn): Merci beaucoup.

MR. MIKE CLUETT

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Mike Cluett. Good afternoon, sir.

Mr. Mike Cluett: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Mr. Mike Cluett: Okay. Thank you very much for allowing me to speak here today. My name is Mike Cluett. I'm a local and regional councillor in the town of Milton, in the region of Halton. Again, thanks for allowing me to speak on the Municipal Elections Modernization Act.

I first off want to acknowledge that I am not speaking on behalf of the town of Milton or the region of Halton, unlike my counterpart who recently spoke today. We haven't predetermined our choice as to where we want to go regarding Bill 181 in the town of Milton.

This is an important discussion and one that's worthy of debate and engagement with Ontarians as we look for opportunities to evaluate our current systems and processes. Given the limited time that I have available, I want to focus the committee's attention on a number of concerns that I have with the proposed legislation.

My main concern with Bill 181 is that it allows individual municipal councils in the province of Ontario to make changes on the way that we elect our representatives, with little or no public consultation with the voters.

The fact that these decisions can be made without holding a binding referendum is, at the bare minimum, concerning.

I can't stress enough of the importance of seeking comprehensive public input and holding a referendum before any changes are made. Direct voter input about how we vote in elections is critical, and I personally can't support a bill that takes democracy away by allowing a government to change the way they are elected without appropriate consultation. As elected officials we have a responsibility to consult the voters in the province of Ontario.

Elections belong to the people, not to the members of the government in Canada, the province of Ontario or municipal councils. The electorate must have a say on how that system is determined.

Ensuring that we protect the democratic process from being manipulated by the political process is non-negotiable.

Through this legislation, the provincial government has already decided that there are two choices, and two choices only. We are aware that there are more than two electoral methods available, but they're not up for discussion, apparently.

Ontarians must have a choice via a referendum before we embark on changing our voting system. Failure to do so is a slap in the face to the voters and is counter to everything we stand for as a democracy.

Back in 2007, a referendum was held, with the decision by voters to stay with the first-past-the-post system. While I agree that times do change and that governments should evolve, I do not agree with the government's proposal to punt the issue to local municipalities. This circumvents the voters and does not take into account their desire, or lack thereof, for change.

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During the last municipal election campaign in 2014, I can't recall one area, municipality or candidate speaking on the issue of electoral reform and changes to the voting system we now know. So how can this legislation propose that municipal councils as small as seven decide how people elect them without a mandate from the voters? Even the most recent polls after the last federal election listed electoral reform at or near the bottom of voters' issues of concern. Electoral reform is also being discussed at the federal level of government, where there continue to be loud calls for a referendum on that issue.

Another concern I'd like to raise with you is that by allowing municipal councils the ability to make these changes, you open up the risk of self-serving decision-making for personal and political survival. Allow me to give you a brief history of my political career in Milton.

I first ran for Milton town council in 2006 and came up 92 votes short. Now, if ranked ballots were the desired voting at the time, chances are that I probably would have been elected. In 2010, I ran again and was successful. There were only two candidates in my ward and I garnered 80% of the vote, so ranked balloting wouldn't have been an issue. Then recently, in 2014, out of a field

of four candidates, I won with roughly 46% of the vote, with my nearest opponents being 20 points behind. So with ranked balloting, chances are I still would have been successful.

Given my own personal experience, I could choose ranked balloting and have no issues. Conversely, I could also look at other members of my council and point to a councillor who was elected out of a field of seven or eight candidates and elected with 25% of the vote. This person could look at the opportunity and realize that if there were ranked balloting, they wouldn't be sitting there, so they'll choose to stay with first-past-the-post.

I bring this up to illustrate a point. By giving the authority to change their electoral system to municipal councils, it opens it up to self-interest and self-preservation over the merits of each individual system. We've seen in recent by-elections in the city of Hamilton and the town of Oakville that there are a high number of candidates running for these positions; over 20 in Hamilton and 11 in Oakville vying for a spot around the council table. Municipal councillors can now sit back and say, "I wouldn't have been there if that particular voting system was in place," so they make their decision based on their own self-interests. That is a conflict of interest.

Should any changes be made in the voting system we have, those changes should be made across the board—federally, provincially and municipally. The intent of this bill has been described as making it easier for people to vote. In many areas of this legislation, the opposite can happen and could lead to further confusion and voter fatigue.

Voting systems should be uniform instead of piecemeal, with one system for one level of government and another system for the other. I can draw an example from my area: the region of Halton. Halton is an upper-tier municipality comprised of four municipalities: the city of Burlington, the town of Oakville, the town of Halton Hills and the town of Milton. In Halton, we also elect the regional chair, as opposed to other jurisdictions that appoint their regional chair.

If changes were made to this legislation, we could have the following scenario: Out of the four municipalities, we could have two choosing the route of ranked ballots and the other two staying at first-past-the-post. That means that residents in the ranked-balloting municipalities can choose their local and regional councillors through ranking their choices and having to vote for the regional chair in a first-past-the-post system. This can and will lead to confusion in how we vote and will result in voters giving up, or the opposite effect happening: declining voter turnout.

In summary, I feel that if the provincial government wants to go down the route of changing the way that we elect our politicians in Ontario, we must first start with getting a mandate from the voters via a referendum. The group Defend Democracy has stated that our electoral system is "the basis of our democracy," and that "no ... government or political party has the authority to ... alter

our democratic system," as it is "up to the people of Canada to decide directly through a referendum."

No method of voting is perfect, and there are many views on which system is more representative of the people, but a government shouldn't be making these decisions. That decision belongs to the people themselves.

As an elected municipal official, I do support giving municipalities the authority to make decisions, some that are not on the table in Bill 181—whether or not to allow windmills in your jurisdiction or more flexibility for making planning processes in fast-growing municipalities like the town of Milton. But again, those are not on the table.

If we are going to be making changes to our voting systems, we need to start at the top: With the voters in the province of Ontario, as it should be.

The Chair (Mr. Peter Z. Milczyn): Thank you. We'll start this round of questioning with the government side for three minutes. Mr. Dong.

Mr. Han Dong: Thank you very much, Councillor, for coming over and making the presentation.

The bill, as you know, has many parts to it. I want to know: In your opinion, do you think that now is a good time with this bill to ban corporate and union donations? What's your view on that?

Mr. Mike Cluett: If we're going to be making changes to the way that election campaigns are financed, as we are trying to do in the province of Ontario and as it has been done at the federal level, it should be done at the municipal level, as well. I have no problems with removing corporate donations from election campaigns. It forces people to go to the people in their constituency, in their riding or in their wards to raise money to finance their campaigns. If we're going to be doing it, again, we should have uniform rules federally, provincially and municipally, so that all levels of government are transparent.

Mr. Han Dong: So you think it should be banned provincially, federally—already banned—and municipally as well? Do you think it should be a mandatory ban?

Mr. Mike Cluett: A mandatory ban?

Mr. Han Dong: Yes. Or should the choice be left to the municipalities?

Mr. Mike Cluett: That choice could be left up to the municipalities. But, again, I think that, if we are going to be making changes—the federal government has made a change for donations. The provincial government is looking at those changes, and I think that the municipal governments should also make those. It should be uniform across the table when it comes to transparency for voters.

Mr. Han Dong: What's your view on shorter campaign periods?

Mr. Mike Cluett: Shorter campaign periods, I think, can actually hinder new candidates from coming forward. I look at my situation. The first time that I was elected in 2010, I was elected as a local councillor and I represented roughly about 4,000 homes. In 2014, I was attempting to

run for the local and regional position, where, in the town of Milton, since we're growing so fast, it resulted in about 15,000 homes. I registered the first day, January 2, so that way I could get out to talk to voters directly, to campaign, to finance and, even in the dead of winter, to go out and knock on doors.

Mr. Han Dong: So you started campaigning very early in January.

Mr. Mike Cluett: I started very early, again, just for the size of the municipality that we have and how fast it's growing. People are moving in on a day-to-day basis. It helped me to get to more doors throughout the election campaign.

If you shorten that campaign period, that stops candidates from actually doing that. It stops them from raising money, because it's a shorter period of time for when you can raise funds—

Mr. Han Dong: Were you the incumbent at the time?

Mr. Mike Cluett: Pardon me?

Mr. Han Dong: Were you the incumbent at the time?

Mr. Mike Cluett: I was a local councillor in the first term and then I was running for a local and regional council seat—same areas, but more wards. I was one ward as opposed to four.

Ms. Ann Hoggarth: You lost the first time.

Mr. Mike Cluett: In 2006, I didn't win; in 2010, I won locally; and in 2014, I won locally and regionally. Because, again, it's a two-tiered, upper-tier municipality.

Mr. Han Dong: So you welcome a shorter campaign period—no, sorry.

Mr. Mike Cluett: No, I think that a shorter campaign period favours incumbency—

The Chair (Mr. Peter Z. Milczyn): That's the three minutes.

Mr. Mike Cluett: —because it doesn't give the opportunity for people to get out there early and make change.

The Chair (Mr. Peter Z. Milczyn): Thank you. This round to Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. First of all, quickly, I want to say that I'm glad to hear another presentation that agrees with my proposal to put an amendment in to mandate a binding referendum—

Mr. Mike Cluett: Absolutely.

Mr. Ernie Hardeman: —before anyone can make that decision.

I want to talk just a little bit, though, about the last question there about the length of the election period. Up until recently, the date, January 1, didn't appear anywhere. There was never a start of the election period. There was just a deadline for nominations. Is that correct?

Mr. Mike Cluett: Yes.

Mr. Ernie Hardeman: Then they put in the time of when you could start to raise money. That's all at that point. That's all that January 1 was. You could still wait with putting your nomination in until nomination day.

Mr. Mike Cluett: My understanding of it was that you have to register in order to start raising funds.

Mr. Ernie Hardeman: Register.

Mr. Mike Cluett: Yes.

Mr. Ernie Hardeman: But not be nominated.

Mr. Mike Cluett: No, that's correct.

Mr. Ernie Hardeman: Okay. Now, what the bill does is move the nomination deadline up, which actually starts the official election. That is now longer than it was.

Do you see any problem with allowing the registration day to stay on January 1 to allow new candidates to raise money?

Mr. Mike Cluett: Absolutely. It's just that, when you have—again, a situation like ourselves in Milton is a good example because we're the fastest-growing municipality in Canada, and before I get home, there's probably another five or 10 families already moved in. It's important for people to get out—if you want to get involved in the election process—to be able to get your name out there, and to be able to get out there early enough.

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Mr. Ernie Hardeman: The other area I just want to quickly touch on—being the fastest-growing or one of the fastest-growing municipalities, is there a concern in your municipality about election financing and the fact that one sector of our economy is contributing a lot more than others into your electoral process?

Mr. Mike Cluett: That comes from time to time throughout the process. Again, the majority of my campaign donations have been personal. I have received corporate donations in the past because, you know, I'm not afraid of doing that. But, if it comes down to it, where we do have a ban on corporate donations, I'm more than happy to go that route. But it does come from time to time, especially in a high-growth area, with the development community participating in the electoral process.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you.

Interruption.

The Chair (Mr. Peter Z. Milczyn): Do members—

Mr. Percy Hatfield: It's a quorum call. Somebody else is supposed to be there. We're in committee.

The Chair (Mr. Peter Z. Milczyn): Okay. They have quorum, in any case.

Mr. Mike Cluett: I thought they were ringing me out from all that way.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, for three minutes.

Mr. Percy Hatfield: Mike, you got 80% of the vote and then you got 46% of the vote. What were the voter turnouts in those elections?

Mr. Mike Cluett: Some 35%, I believe, in the one, and about 34% in the other. So roughly in that third range.

Mr. Percy Hatfield: About the same around the province. So, even with 80% of the vote, you didn't have a majority of the eligible electors.

Mr. Mike Cluett: No. The majority of the people who came out to vote did.

Mr. Percy Hatfield: I think Trudeau, as I recall during the federal election, talked about proportional representation in part of his campaign—if indeed he did—and he got elected. Is that, in your opinion, a referendum? Or does he have to hold a referendum before he does anything with it?

Mr. Mike Cluett: He would absolutely have to hold a referendum, just as this government should have to hold a referendum before they change the way they vote.

Mr. Percy Hatfield: In your personal opinion, should all regional chairs be elected directly by the people in a democratic fashion? Or do you old boys want to keep it to yourself?

Mr. Mike Cluett: I think that all regional—all elected positions—

Mr. Percy Hatfield: And I'm older than you.

Mr. Mike Cluett: No, I understand that. We're close.

Mr. Ernie Hardeman: That was a slap back.

Mr. Mike Cluett: An unintentional one, but that's okay.

I do believe that all regional chairs should be elected. I think, if you're holding a position of public office like a regional chair, local councillor, MPP or MP, you should be elected by the people and not appointed by a council.

Mr. Percy Hatfield: I don't disagree. Just, when you were talking about democracy so much, earlier on—yet you're part of a system where, once you get elected as a regional councillor, then you'd select your regional chair from amongst yourselves.

Mr. Mike Cluett: In Halton region, we don't do that.

Mr. Percy Hatfield: No?

Mr. Mike Cluett: Our Halton regional chair, Gary Carr, is elected by the people.

Mr. Percy Hatfield: Oh, I thought you indicated that that was different.

Mr. Mike Cluett: No. There are other jurisdictions who don't elect their chair.

Mr. Percy Hatfield: Right.

Mr. Mike Cluett: Halton does elect their chair through the general election.

Mr. Percy Hatfield: Right.

If the province ever went to a referendum, as Mr. Hardeman has suggested, do you have any set criteria for the voter turnout or the results of that referendum, or would you accept just whatever the voters decided?

Mr. Mike Cluett: I would be looking for at least a 60% or maybe even a 65%—you would need a good majority of people in order to make a change; 50% plus one, I think, is not sufficient, given the—changing our democracy, changing our voting system like this. I think it would have to be a large—

Mr. Percy Hatfield: Yes, but on the other hand, we get a 35% turnout at the municipal level.

Mr. Mike Cluett: But we do have a higher turnout provincially. I think, if this question was on the table, you wouldn't find that the turnout would be much higher. So this is where the province should be holding its referendum, and not the municipalities.

Mr. Percy Hatfield: So, if the province held a referendum, and you wouldn't accept 50% plus one at the provincial level, even though governments can be elected by 33% or 35% of the total vote—they can form a majority government.

Mr. Mike Cluett: That's true, but we're talking about voting. We're talking democracy. Democracy needs to be—

Mr. Percy Hatfield: So why would you need 60% in favour for a referendum vote?

Mr. Mike Cluett: Because it's democracy.

Mr. Percy Hatfield: Isn't 50% democracy?

Mr. Mike Cluett: If we're changing the way we're voting—

The Chair (Mr. Peter Z. Milczyn): That's your three minutes, gentlemen.

Mr. Mike Cluett: —then it has to be, I think, more than 50% plus one if we're going to be making that change, or else you're going to be going back and forth with successive governments changing our voting system over and over again.

The Chair (Mr. Peter Z. Milczyn): Thank you, Councillor Cluett, for your presentation this afternoon.

Mr. Mike Cluett: Thank you.

The Chair (Mr. Peter Z. Milczyn): If you do wish to submit anything further, in writing, to the committee, you can do so until 6 p.m. on Thursday, May 12.

Mr. Mike Cluett: Absolutely. Thanks very much.

The Chair (Mr. Peter Z. Milczyn): Thank you.

MR. JOHN PEPALL

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. John Pepall.

Mr. John Pepall: Thank you, Mr. Chairman.

The Chair (Mr. Peter Z. Milczyn): Good afternoon. You have up to 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Mr. John Pepall: My name is John Pepall. There is a version of what I'm going to say to you which may or may not have been distributed. There's part of it that's kind of technical, so you may want to look at it.

I want to speak against ranked ballots, or preferential voting. I believe you'll already have heard a certain amount about that subject. I'm going to speak only on that subject, subject to whatever questions you may have. As I say, I want to descend to some detail. It may seem odd to make an issue of what is only an option introduced by the bill, but preferential voting is fundamentally flawed and irrational and should not be allowed.

Preferential voting seems to many a solution to what seems to them a problem: that candidates can be elected with less than a majority of the votes. Have voters rank candidates in accordance with their preferences and eliminate candidates until one candidate has a majority of preferences and it seems the problem is solved.

But preferential voting's orderliness conceals a fatal flaw. It can breach monotonicity, the surely basic prin-

ciple that a candidate should be better off if she gets more votes. This is not, as surely it should be, necessarily so.

It's in the paper before you. I'll go through it. It takes a little thinking through. It took me a bit of thinking through to figure it out. I'm suggesting an election in which there are three candidates and 21 voters. The voters fall into four groups. Seven of them have the preferences A, B, C; three have the preference B, A, C; five, the preferences B, C, A; and six, the preferences C, A, B.

With those votes, on first preferences, B gets eight votes, A gets seven and C six. With the lowest number of votes, C is eliminated. Those who had C as their first preference having A as their second, on the second count, A wins, 13 votes to eight.

Suppose, then, that the second group of voters, who were B, A, C in the first example I gave, changed their minds and had the preferences A, B, C. You have 10 voters now whose preferences are A, B, C; five, B, C, A; and six, C, A, B. Now B has the lowest number of votes on the first count and is eliminated. The B voters' second choice being C, on the second count, A loses and C wins. A has 10 votes; C has 11 votes. More votes for A and no more votes for C lead to A losing and C winning. It can also happen that a shift of votes between two candidates makes no difference to them, but may cause another candidate, whose votes remain the same, to win or lose.

Our present way of voting is perfectly straightforward and simple: Whoever gets the most votes wins. We all understand that. There are no complications to it. People are frustrated, often, because people can win with well below a majority of the votes, but it's something we can understand. After all, if you get 50% plus one of the votes, you're not the people's choice; you're just the one who got 50% plus one of the votes. That's the way by which we make a decision, and the purpose of voting is to make a decision.

When you get into different ways of voting, it gets complicated. This flaw in preferential voting—I didn't find it—is well known. Academics and others have written about it for 100 years or more.

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Preferential voting is used in many organizations and in some countries, most notably Australia. Advocates of preferential voting generally ignore its fundamental flaw. Those who admit it contend that a breach of monotonicity rarely happens. In fact, we can't know how often it happens. In a sense, it's not something that happens. Preferential voting produces a result. The question is, is it a rational result, in the sense that the winner won because more people voted for the winner, or did the winner win because fewer people voted for the winner? That's what can happen with preferential voting.

You can't tell what the alternatives would have been, whether somebody would have won if they had got fewer votes, unless you look at all the preferences in the election, which they don't do. They only count them until they've got a winner.

In Australia, preferential voting has worked to accommodate the permanent coalition of the Liberal Party and the National country party. It has basically been a two-party system, with the coalition parties using preferential voting to sort out things between themselves. As Greens and other parties have entered into Australian politics, things have begun to break down.

Where there are parties and simple left, centre and right politics, the irrationality of preferential voting may be tempered. But politics is never simply left, centre, right. At the municipal level, the range of issues; the importance of simple competence, integrity and willingness to serve; and the multiplicity of candidates mean that voters' preferences may be widely distributed and produce results beyond the understanding of the voters and contrary to their intentions.

I have only spoken here about electing a single councillor in a ward and electing a mayor. If you get into STV or, say, electing seven councillors at large, it gets wildly complicated. Nobody knows what's going on. But the same fundamental flaw exists.

The ministry material makes several unfounded claims: "Ranked ballots have the potential to give voters a greater say in who is elected and increase voter engagement." No, in fact, because you go out and you say, "I'm going to vote for B," and your vote may actually result in B losing, with preferential voting. So you're not having your say. Your say is being frustrated.

There's no basis for the claim that it would increase voter engagement. I presume they mean "turnout." In Australia, voter turnout is high because it's compulsory. We've heard about low turnout earlier this afternoon. Happily, we're not going to be forced to vote in municipal elections. I think that would be a step too far.

"Ranked ballots may also:

"—reduce strategic voting, which may occur when a voter decides not to pick their first choice candidate." There's nothing wrong with strategic voting. It's perfectly right to consider the chances of a candidate winning in deciding how to vote. If you vote sincerely, because you're seduced by preferential voting into thinking that it doesn't matter, the system will work it out and my vote will count. You may be mistaken. Your "sincere" vote may produce the opposite of the result that you want.

It would "reduce negative campaigning...." Negative campaigning is no worse than positive campaigning. Saying, "I'm a wonderful fellow and I'll do wonderful things for you" is no worse—it's a question of whether it's true or not—than saying, "He's no good. He's not going to do anything for you."

In fact, in Ireland, where they have a single transferable vote, even within the parties they have vicious conflicts because with people who are running for one seat where six members will be elected, there are people in the same party who are dissing each other all the time. So it doesn't produce more benign, friendly politics, whether we want that or not.

The point that it would encourage people to stay in the race: In my ward 20 in Toronto in 2014, there were 22 candidates. I met two or three of them and saw signs or pamphlets for perhaps 10. They mostly seemed to be decent people. I had great difficulty in deciding on one candidate to cast my vote for. Had I been asked to fill in a ranked ballot, I should have been at a loss as to how to do so. I could not have known what the effect of my preferences would have been.

Giving municipalities the option of adopting ranked ballots would mean that municipalities could change election procedures in ignorance of the fundamental flaw in preferential voting, or possibly on a calculation that it would be to the advantage of some interests. That calculation—

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Pepall. I'll stop you there. It has been 10 minutes.

The first round of questions goes to the opposition. Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. It's the first one we've had on ranked ballots, the actual results of the counting and how it can skew what would appear to be the results.

One of the things I've heard is—people say to me when it comes to the ranked ballots is, "If we just go and vote and if we don't understand it, if we just vote for one, then isn't it irrelevant whether it was a ranked ballot or not?" Their vote counts the same; they voted exactly the same way they always did, so there's no impact of that. Is that true?

Mr. John Pepall: It gets a little difficult, because in a way in a sense you could say that you don't cast votes; you express preferences when you have a preferential ballot. If you had 22 candidates and you had to go down the list and Snokes was 21, did you vote for Snokes? He might literally be the last person you would want elected, but your preference for Snokes over Snake at the bottom would enter into the system and might result in the election of Snokes, even though Snokes was literally the last person you wanted elected. It becomes difficult to say what it means to vote, even.

Mr. Ernie Hardeman: You were here at the last couple of presentations.

Mr. John Pepall: Yes.

Mr. Ernie Hardeman: There was considerable talk about whether a council should decide whether we're going to change the voting system or whether the people should decide. Have you got any opinion on that?

Mr. John Pepall: My appeal to this committee is that you should amend the bill and strike out everything about ranked ballots.

One of the problems is that we may or may not have a referendum in the country about electoral reform. We had one in Ontario and so on. These issues are very complicated. As we know, turnout in municipal elections is often very low. The prospect of people in Maple River having to vote about which complex form of voting they would prefer is not, I think, one that would really be healthy for democracy. I think that this form of voting is

so wrong that it should not be allowed. Having said that, I agree that the people should decide and the government of Ontario should decide.

Mr. Ernie Hardeman: Your comment is that first-past-the-post is the worst system in the world, except for all of the others?

Mr. John Pepall: Yes. I think it's perfect, actually.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, for three minutes.

Mr. Percy Hatfield: Thank you, John, for being here. Ward 20 had 22 candidates. You had difficulty deciding because you didn't meet them all. You met a couple, saw some signs. If, on the ballot, the party affiliation would have been there, would that have helped you in any way?

Mr. John Pepall: Yes, I think it would have. I think you may know who the winner in ward 20 was.

Mr. Percy Hatfield: No, I'm not from Toronto.

Mr. John Pepall: Oh, okay. Well, you may know Joe Cressy.

Mr. Percy Hatfield: I do.

Mr. John Pepall: We know which party he was running for.

Mr. Percy Hatfield: The best.

Mr. John Pepall: Yes. But I don't think that we'd be very much better off if there were 22 parties. I think that's another issue which I don't address. But there are too many candidates, and I don't know what's to be done about that.

Mr. Percy Hatfield: Let me ask you another question. It's not in this bill, but some people think it should be, and that's permanent residents who are non-Canadians. They live next to you, they pay municipal taxes, they send their kids to the schools in your neighbourhood, they volunteer at your churches and they volunteer as coaches in soccer or baseball teams. Should they be given the right to vote at the municipal level—not the provincial, not the federal, but at the municipal level—since they're paying municipal taxes?

Mr. John Pepall: My answer is no. I think that if they are permanent residents and they want to vote in municipal elections, they can become Canadian citizens. Municipal government is part of the total package of what it is to be a Canadian and of our politics. If you choose not to sign on to that, then you lose your franchise, it seems to me.

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Mr. Percy Hatfield: But if they're in the process—you've got to be here for so many years before you can actually get the paperwork.

Mr. John Pepall: Presumably, so many years will be plenty of time to become a citizen.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Now three minutes with Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you very much, Mr. Pepall. Obviously, I think we get the message on your feelings about the proposed way of voting—an option. What would you say that, since this process began some time

ago—almost a year ago—people had the opportunity to send in their comments or their thoughts, and there were over 3,400 submissions and there was an enormous amount of support for ranked balloting? Don't get me wrong; I'm not trying here to sway your mind because obviously you believe in what you believe. Do you think the government or folks sitting around this table should pay some attention to that?

Mr. John Pepall: Well, yes, but just because 1,000 people or a million people tell you to do something is not a reason to do it. They have to be able to say, "Do it because it's a good thing to do." You have to exercise your judgment and decide, "Is it a good thing to do?" This isn't the first time I've written or spoken on this subject, and I don't claim to be any kind of expert. I don't even like the term "expert." But the fact is, I believe that people who advocate preferential voting simply don't understand. They think—and it looks like that. Certainly that's the way it looks: "Perfectly straight-forward; solved the problem; we've got a majority." But that's not the way it works.

Mr. Lou Rinaldi: So your opinion is that we should just ignore those comments or those suggestions?

Mr. John Pepall: You should take them into account, but as I say, just because a million people say "Do this" is no reason to do it unless you are persuaded that doing this is the right thing to do. If people understood it, write back to them and say, "Well, it's very good of you to write, but have you considered that in fact preferential voting doesn't work to the advantage of the voter?" Then they might say, "Oh, I never really thought about that."

Mr. Lou Rinaldi: In political parties, that's the way that we elect leaders. That's the way I got nominated to represent the Liberal Party in my riding in 2003. Was that a bad thing?

Mr. John Pepall: I agree with Professor Dutil that there should be—I don't expect them in every municipality. There should be municipal political parties. They should at least be possible, but I don't think they should be NDP, Liberal and Conservative. I think they should be the Maple Party, the Oak Party or whatever in that municipality—grouping people together who share a common view.

The Chair (Mr. Peter Z. Milczyn): That's all the time we have.

Mr. Lou Rinaldi: Oh, too bad.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for a very interesting presentation. If there's anything additional you'd like to submit to the committee in writing, you may do so until 6 p.m. on Thursday, May 12.

Mr. John Pepall: Thank you.

CUPE ONTARIO

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Fred Hahn. Good afternoon. You have up to 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Mr. Fred Hahn: Sure. My name is Fred Hahn. I'm with Dan Crow, who's a researcher for our organization. I'm happy to present today on this piece of legislation.

We represent, as I'm sure many of you know, 250,000 workers all across the broader public sector; 80,000 of them are municipal workers and 55,000 of them are school board workers.

As a union that's committed to improving the lives of our members and all working people, we encourage our members to be engaged politically, so we're quite interested in and obviously keen on municipal elections.

The issues of campaign contributions and third-party financing have garnered a great deal of public attention of late. Campaign finance legislation is an important part of the democratic process. It helps to ensure that electoral campaigns are fairer and mitigates against the influence of large contributions from relatively wealthy donors. Caps on campaign contributions are important in terms of thinking about election spending, so we do want to thank the government for introducing Bill 181.

We want to take this opportunity to provide some proposed amendments that we believe could clarify and actually strengthen the bill.

Studies of municipal election financing demonstrate that large contributions from corporations make up between 40% and 50% of all money raised in municipal election campaigns. Large contributions from relatively wealthy individuals also play a disproportionately large role at the municipal level.

We'd like to note, however, that union contributions are small—very small—in comparison. Union donations range from 1% to just around 10%, or a little bit more, of all money raised in all municipal election campaigns in the province.

This legislation empowers municipalities to ban both corporate and union donations, and it appears to imply that the role of unions and corporations is relatively equivalent. Despite the apparent false equivalency created by this legislation, we are supportive of it in principle, including the sections that ban both union and corporate donations.

But in my comments today, I want to focus on three main areas of the legislation.

In terms of caps on campaign contributions, capping contributions to individual candidates at \$750, and instituting a cap of \$5,000 for two or more candidates in any municipal or school board election, seems like a very good place to start. This level will help to create a more level playing field between candidates and reduce the influence of big money. But \$750 is significantly more, we think, than the average person is likely to contribute or would be able to afford to contribute.

Even though this is a relatively modest cap, we think it doesn't completely level the playing field. So we'd recommend that that cap be reviewed after each election, with the goal of determining what the limit should be and potentially reducing it further.

We'd also like to raise the concern that in this current bill, the limit on contributions does not apply to a candi-

date's ability to self-finance their campaign, allowing virtually unlimited self-financing privileges to those are affluent. We recommend that there be a cap on campaign contributions that also applies to candidates who contribute to their own campaign.

This legislation doesn't consider voluntary labour to be a campaign contribution, nor does it count the use of paid employees so long as they do not receive more pay than they would normally receive. It's entirely appropriate to continue to encourage volunteer labour on election campaigns. This is a central component of our democracy, and it's a key way that individuals can participate in the electoral process.

However, we would like to recommend that the use of paid employees not extend to professional services, like polling, advertising and research. Professional services provide a higher value to campaigns than other forms of volunteer activity, like answering phones, making calls on behalf of a candidate, or distributing leaflets.

Second, we'd like to talk about the limits to third-party advertising. Limits on third-party advertising are also important components of ensuring campaign fairness. In the absence of any limits to paid advertising, it would be possible for folks to spend a great deal of money.

According to this bill, third-party advertising includes advertising intended to support or oppose a candidate or issues. If the purpose is to limit advertising on issues that can be clearly identified as related to a specific candidate, then that should be more explicitly outlined in the legislation. This would be appropriate.

But the definition of "issue" is particularly significant in municipalities that decide to ban contributions by both unions and corporations. In such cases, unions and corporations will be prohibited from registering as third parties and thus will also be barred from any form of advertising or public communication during a campaign. While these limits could be appropriate, we believe and feel strongly that unions should have the ability to purchase advertising on issues that are important to us, because those issues, we believe, are important to our members who are members of those communities.

Lastly, I want to talk about ranked ballots. We have a concern about including provisions in this bill that would empower municipalities to use ranked ballots. The primary purpose of the bill is to change rules about election financing to create a fairer playing field for all candidates. Allowing for a change of electoral system in municipalities is a separate, important and very distinct issue and should be considered on its own.

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The proposal to allow ranked ballots comes without any prior discussion and without sufficient research to determine what effects that change would have in municipalities. So we propose that this section of the bill be removed, and that a more open and separate consultation on the process of electoral reform in municipalities be undertaken.

Thank you very much for the time that you've taken to listen to the presentation. I'd be happy to answer any questions that you might have.

The Chair (Mr. Peter Z. Milczyn): Thank you. The first round of questions will be from Mr. Hatfield.

Mr. Percy Hatfield: Hi, Fred. Thanks for being here. You mentioned that a self-financed campaign should have a cap, and you didn't mention how much that cap should be. Have you given thought to that?

Mr. Fred Hahn: Well, there is a cap around financing for multiple candidates in any one municipality being \$5,000, so that would seem like a reasonable cap. Now, I suppose people could fundraise for themselves, but this is a different issue from self-financing.

Mr. Percy Hatfield: The ranked ballots: You say there's not enough research done and it should be a separate consultation, yet RaBIT in Toronto, for example, is all in favour of ranked ballots, and they see that as a more democratic way, within the city of Toronto, to proceed the next time out. Perhaps changing the City of Toronto Act as opposed to changing the Municipal Act for everyone is an option, but you're of the opinion, as I understand it, that there's just not enough research done on it and it should be a separate consultation.

Mr. Fred Hahn: That is what we're saying. Look, there are folks who have strong views on whether or not this particular model should be utilized in a first-past-the-post system. Of course, ranked ballots can be used in proportional representation. The challenge we have here is that it's kind of like a mixed metaphor. The purpose of this legislation is to talk about how we control big money in municipal politics; it's not about how we actually elect municipal politicians. That is an important question, but I would say to you that even in the city of Toronto, where there are some who are quite engaged, we represent close to 100,000 members in the city of Toronto, and very few of them have been engaged on whether or not we ought to change the municipal electoral system.

Mr. Percy Hatfield: All right. I guess my final one would be on the banning of union and corporate donations. As I understand, the province is headed in that direction. I think Mr. Trudeau has talked about it as well. Are you in favour of doing one system that applies to all three orders of government, and having it mandatory as opposed to leaving it as an option for those municipalities that so choose?

Mr. Fred Hahn: I think it would be more consistent and more clear to have a system that applied to all levels. I think that the system in place at the federal level, where there was a clear ban but there was also public financing of elections, makes indubitable sense in a democracy, where we want to encourage people to participate not only as voters in the electoral process but perhaps as candidates. In the current system, all of you will know that mounting a campaign costs money. Working-class people are very much less likely to be able to afford to do it. So if we had public financing of elections, it would be more fair, more even and make more sense. If we had a system that was consistent at all levels, then the rules would be the same everywhere.

Mr. Percy Hatfield: So depending on the number of votes you get at the municipal level, could that trigger

how much a municipality could, if you will, kick back to your campaign, to help you pay for that cost of running at the municipal level?

Mr. Fred Hahn: Indeed.

The Chair (Mr. Peter Z. Milczyn): Thank you. Our next round: Three minutes, Ms. Hoggarth.

Ms. Ann Hoggarth: Hi, Fred. Thank you very much for your presentation. Also, I wanted to say—one other day you were supposed to come, and you weren't here—I'd like to thank you for all the work you do for your members. I know you work really hard, and you seldom get told that.

The government heard interest from stakeholders about increasing voter participation. Frankly, when I was first elected, some of the first people through the door were about this issue. They came—lots, and often. Many believe that a ranked ballot system could increase voter turnout, since voters are able to be more expressive with a ranked ballot. What are your views on increasing voter participation and how this could be achieved?

Mr. Fred Hahn: I think it's incredibly important to enhance voter participation. I think part of the reason why voters are not encouraged to vote is that they vote for political parties that run on platforms and then, once elected, do things that they never said they would do in that platform, that no one ever voted for when they voted for that candidate. So I think that that is one reason why that turns people off from elections.

I think there are lots of ways that we could be encouraging people to vote, and I think that a change in the electoral system could be one of them, and that includes at the municipal level.

Again, I think the core purpose of this is quite important, which is to get big money out of politics at the municipal level. When developers—particularly developers—are spending huge bucks and financing municipal campaigns at 50%, then I think we have a recognized problem. It's why you brought in the legislation; we appreciate that. I think that should be the focus of this bill. The question of ranked ballots or any other electoral reform or other ways to encourage electoral participation is incredibly important and will be enhanced by the passage of legislation that gets big money out of politics.

Ms. Ann Hoggarth: In the bill, it does say that municipalities have to have public consultation and conversation with their constituents before deciding to pursue ranked ballots. Many of the details for ranked-ballot elections, including a mandatory requirement for a minimum standard of at least one public meeting and how votes should be counted, would be set out in regulation. What is your view on the ranked ballot? You said you don't like it, right? You think there are other systems.

Mr. Fred Hahn: I have personal views on ranked ballots. Our union is just about to debate this in more detail, given what has happened at the federal level and what will be happening at the federal level.

What I think is important here is not whether the opinion on this particular system is—this is quite a big

issue about the way we elect people, just as it is a big issue how we finance election campaigns. I think, in fairness to our democracy, these issues deserve the kind of attention that would be paid to them should they be separated into different pieces of legislation. Lots of us have been around and know that one public meeting in a municipality can get you five people, depending on how it's publicized and how much time is noticed and all this stuff. I'm not sure that's good enough to change the way people elect their representatives in the future.

The Chair (Mr. Peter Z. Milczyn): Our next round goes to the opposition. Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. I didn't realize, after we had such a pleasant breakfast the other morning—and I was out in front of the Legislature with you today—that you would come in here and I would agree with almost everything you have in your recommendations.

Mr. Lou Rinaldi: Wow. That's a first.

Mr. Percy Hatfield: Come on over, Ernie.

Mr. Ernie Hardeman: The reason I mentioned that is because what I'm talking about is not exactly a partisan issue; it's democracy itself. On ranked ballots—and that's where I agree with you most—your suggestion is that we take our time, take it out and do it. I don't think the government is going to do that.

I want to propose that a binding referendum be held before any municipality can implement it. That, at least, would give the opportunity for both sides of the issue to get their research done and to try to convince the people as to the best way to move forward. That's why I agree with that.

A couple of issues: One was on third-party advertising on issues. I would agree with you that if it's an issue that we want all parties or everyone in the election involved with, we should allow people to advertise that, and yet, at the same time, not to use that to direct people how to vote on the actual candidates in the election, since it's not partisan in the municipal ones. Having clarified what that issue is would be a great thing.

The last one I wanted you to comment on was self-financing. In the party system—we keep talking about how we want to make the federal, provincial and municipal the same, and we've heard a lot of that from the municipal presenters—self-financing amounts to that every candidate can put exactly the same in as any other voter into their own campaign. Why is it your suggestion that in the municipal it should be \$5,000 instead of \$750?

Mr. Fred Hahn: I revise my suggestion. It should be \$750.

Mr. Ernie Hardeman: Thank you very much. That's well said. There's some truth to that. We're either for self-financing or not. I think if you're going to stop that, then you don't allow that avenue of financing. Trying to set limits in there, to me—our provincial system has a pretty good system that says, "I'm a voter in the riding and I can donate \$1,300 now and that's it," and the rest you have to raise. I think that's a good one.

The other thing was from the comments from the government side: the issue about increasing voter turnout

through ranked ballots. I have not yet found a single place where they have it where that was one of the outcomes of switching to ranked ballots: that it brought more people out. I can assure you that the people of my municipality, if they have a ranked ballot without a very intensive training program, will not go out to vote because they don't understand it anymore.

The Chair (Mr. Peter Z. Milczyn): That was your three minutes.

Thank you very much, Mr. Hahn. If there is anything further you'd like to submit to committee, you may do so until 6 p.m. on Thursday, May 12.

Mr. Fred Hahn: Thanks very much.

The Chair (Mr. Peter Z. Milczyn): Our next witness is via teleconference. They were scheduled for 5:40 p.m. They're not online yet, so we will recess until 5:40.

The committee recessed from 1730 to 1740.

MR. BILL TIELEMAN

The Chair (Mr. Peter Z. Milczyn): The committee is back in session. Our next witness is Mr. Bill Tieleman via telephone. Good afternoon, Mr. Tieleman.

Mr. Bill Tieleman: Good afternoon, Mr. Milczyn.

The Chair (Mr. Peter Z. Milczyn): Thank you for waiting. You have 10 minutes for your presentation, following which there will be nine minutes of questioning: three minutes by each caucus. The first round of questions after your presentation will be from the government caucus. Mr. Tieleman, whenever you're ready, please start.

I'll just tell you who's in the room: from the official opposition, Mr. Ernie Hardeman; from the third party, Mr. Percy Hatfield; and from the government, Mr. Lou Rinaldi, Ms. Ann Hoggarth, Mr. Han Dong and Mr. Granville Anderson.

Whenever you're ready, please start. Please state your name for the official record.

Mr. Bill Tieleman: Certainly. Thank you, Mr. Milczyn, and thank you to the committee members. My name is Bill Tieleman and I have been president of No BC-STV, where STV stands for single transferable vote. I was president of what was the proponent group in British Columbia in both the 2005 and the 2009 official binding provincial referenda that were called by the government to decide by electors on whether or not to adopt a single-transferable-vote electoral system.

In British Columbia, as you may know through the committee and this consideration, on the 2005 ballot there was a super-majority required for passage of the STV system. It failed to meet the required 60%. The vote was close. It was 57.7% in favour of the STV system and 42.3% in favour of first-past-the-post, the current system which we have here in British Columbia and, of course, in Ontario. Some 1.7 million voters participated in that 2005 binding referendum.

That referendum and the STV recommendation were the result of a citizens' assembly that was set up by the government, with representatives from all of the BC

provincial ridings, who got together to consider possible alternatives to first-past-the-post and then made a recommendation, which was then put into a package for voters to consider.

In 2009, because of the close vote, then Premier Gordon Campbell from the BC Liberal Party decided to have another vote. The first time around, there was a fair bit of research—polling companies and others had looked at it, also academics and political scientists—and there was a lot of confusion as to exactly what this system meant, how it would work, and all of the details. It is, as you probably know now, a complex system that's only used nationally in two countries: in Malta and in Ireland, when you get to STV.

In 2009, the government decided to have another vote, and also decided that there would be a proponent group on each side. No BC-STV, which I led, was the official opposition, so to speak, to STV.

In the end, the referendum coincided with the election, and the numbers were basically reversed. There was a 61% vote in favour of retaining the first-past-the-post system and only 39% were in favour of the single transferable vote, or STV, system. It still required a 60% in favour, and instead it had a 39% in favour. It failed, and that was the end of the debate here.

One of the most important things that I should have mentioned to Mr. Chair: The only issue I'm really addressing is the ranked-ballot question and the question of whether voters should have the right to decide on the electoral system.

I think one of the major differences that we saw between 2005 and 2009, because there was no change in the system that was proposed, was that there was a full-some debate; there was a real campaign that happened. The provincial government, having granted each side \$500,000 to run campaigns of awareness, education and persuasion—each side was allowed to raise additional funding. The STV side raised about an additional \$350,000 to \$400,000 more than my side. Still, the numbers were reversed.

One of the key pieces to this whole enterprise in British Columbia as a lesson is that when voters are engaged, when they have the opportunity to hear all sides, when they have an extended period of time and the education and the awareness, then they can make an informed decision. I think that that was reflected in the difference in the results.

The only other thing that I wanted to mention in particular—and I think we really felt this very strongly in British Columbia—is that you can't improve democracy without giving electors a vote. I think that this was an extremely important aspect of the entire exercise here. Although those on the other side who were in favour of STV were very disappointed in the results, they could not argue that people did not have an opportunity to have a say or that they didn't have an opportunity to have a campaign and awareness. In the end, it was a result that had social licence and legitimacy at the end of it.

Where I have an objection with the proposed legislation is that it does not give voters a mandatory and re-

quired referendum on an electoral system change. I think that's a requirement. I think there are two areas where it is required in a modern democracy: one on constitutional change, and the other on electoral system change, because it has such an impact for such an extended period of time. It is lasting perhaps decades or longer when you adopt or change a system—and again, a major constitutional change.

I think those are the key points that I'd like to make to the committee. I really appreciate the opportunity to give a voice from afar in sunny Vancouver today and get the opportunity to talk to you, and I'd be happy to take any questions.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Tieleman. The first questions are from the government side. Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you, Mr. Tieleman, for joining us this afternoon, and thank you for your comments. Just a quick question, since we're over the phone here: Where's home for you?

Mr. Bill Tieleman: I'm in Vancouver, and I live in Vancouver.

Mr. Lou Rinaldi: Oh. Thanks very much.

Can you maybe highlight for the committee—obviously you make exceptional time from across the country to participate in this debate today—what spurred that on, just from an interest point?

Mr. Bill Tieleman: I was aware of the legislation coming forward. Basically, I have a master's degree in political science. I also lived in Toronto for six years so I'm familiar with Ontario politics as well. I followed quite closely all the referendums, including in England and other places, where there have been votes on electoral systems—New Zealand in the past. So I find it quite interesting.

But I also spent an enormous amount of time here on those two campaigns, and I think that that experience is of some value to people. I have regularly been consulted by many different folks from across the country, including previously the federal Liberals' critic on democratic reform.

Mr. Lou Rinaldi: As I said, thank you very much for taking the time to share.

We know your views on ranked ballots and your options to get there. I know that that's your only focus, but if you had an opportunity to look through the rest of the bill, can you give us some idea of your thoughts on union and corporate donations to campaigns?

Mr. Bill Tieleman: I favour banning union and corporate donations, and I certainly favour the federal system as it now exists. I think that's a very positive step. As I said, I didn't intend to make an intervention on any other part of this, but I certainly support it personally.

Mr. Lou Rinaldi: Thanks very much for your time today.

The Chair (Mr. Peter Z. Milczyn): Our next round of questions is from the official opposition. Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. We've had quite a bit of discussion about having a referendum when municipalities want to do ranked balloting in their municipalities. Do you think that would improve it if you had a referendum on it and allowed the people to decide, as opposed to the elected officials? Would that make a difference on whether they would support it or not if, in fact, they were given that choice?

Mr. Bill Tieleman: I do. I believe that. We've known and learned increasingly in our democratic society that the idea of social licence of the legitimacy of things is important. You can pass things in a Legislature, you can pass things in Parliament, but if they don't have popular support and they don't have that social licence, then there's a real challenge and a real problem with everything that flows from that.

So I think it's extremely important that people be given the choice. They may or may not participate in a referendum, although I have to say that in British Columbia, most voters who did vote also voted in the referendum. It clarifies the air, and no one can say—I think this is useful for all sides in these kinds of situations, all political parties—that you didn't give the voters a chance to consider this and you foisted it on them or there was something involved in that which was not fair. At that point, you've clarified it. The voters have spoken. If they say yes or no, then you proceed. If you don't have that, then I think there will always be questions. We're all involved in politics in some way. Every electoral system has pluses and minuses, advantages and disadvantages and all sorts of things that we can and can't see into the future. That's why I think it's important to have that fulsome debate with voters participating and giving them the final choice and not having it by elected officials.

Mr. Ernie Hardeman: We've had a lot of discussion about, when you do a referendum vote, setting the bar higher than 50%. Could you explain to me why a democratic vote on an issue should have a higher percentage to win than the 50%, as you had in BC? Why do you need more than 50% to validate a referendum?

Mr. Bill Tieleman: It's certainly a decision that each jurisdiction has to take, but I believe a super-majority is a reasonable position to take on these things because what we're doing is changing. We're not just electing one member, one city council or one member of provincial Parliament; we're voting on a change to our entire electoral system for an indefinite period of time. I think most people would say you wouldn't change a system for one election and then think about changing again. It would probably be in place for many, many years.

It has a very long-standing and very important differentiation between some of the other votes that we have. Budgets can change from year to year. Ministerial allocations can change. But these kinds of things go on for a very long time, and I think that's a key and fundamental difference.

Mr. Ernie Hardeman: Thank you very much, and thank you for taking the time to talk to us.

Mr. Bill Tieleman: Thank you, sir.

The Chair (Mr. Peter Z. Milczyn): Our next round of questions is from Mr. Hatfield with the New Democratic Party.

Mr. Percy Hatfield: Thank you, Mr. Tieleman, for taking part today. I see an inconsistency in your suggestion that we should have a super-majority referendum of 60% to adopt a ranked balloting system that will only declare somebody elected when they get 50%.

Mr. Bill Tieleman: Again, as I said, it's up to the jurisdiction. I can see many reasons for having a super-majority. For example, Mr. Hatfield, I am president of my strata council. In order to pass our budget, we require 66 and two thirds, and on some measures we require 75% of our members to vote that through because they're fairly significant changes. That's up to you folks to

decide. I'm fundamentally here to say that there should be referendums.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much, Mr. Tieleman, for spending some time with us from the other side of the country. We appreciate your submissions. If there's anything you'd like to submit in writing to the Clerk of the Committee, you may do so until 6 p.m. Eastern time on Thursday, May 12.

Mr. Bill Tieleman: Great. Thank you very much for taking the time with me. I appreciate the opportunity.

The Chair (Mr. Peter Z. Milczyn): There being no other business, committee is adjourned until 9 a.m. on Thursday, May 12.

The committee adjourned at 1753.

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Comité permanent des finances et des affaires économiques

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRSCOMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES

Thursday 12 May 2016

Jeudi 12 mai 2016

*The committee met at 0902 in committee room 151.*MUNICIPAL ELECTIONS
MODERNIZATION ACT, 2016LOI DE 2016 SUR LA MODERNISATION
DES ÉLECTIONS MUNICIPALES

Consideration of the following bill:

Bill 181, An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts / Projet de loi 181, Loi modifiant la Loi de 1996 sur les élections municipales et apportant des modifications complémentaires à d'autres lois.

The Chair (Mr. Peter Z. Milczyn): Good morning. I'll call the meeting to order. I'm calling this meeting to order to consider Bill 181, An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts.

Each witness will receive up to 10 minutes for their presentation, followed by nine minutes of questioning from the committee, or three minutes from each caucus. I ask committee members to ensure that the questions are relevant to Bill 181 and to keep them brief in order to allow maximum time for the witnesses to respond.

Are there any questions? No?

ONTARIO PUBLIC SERVICE
EMPLOYEES UNION

The Chair (Mr. Peter Z. Milczyn): Our first witness this morning is Mr. Warren Thomas. I don't know if you're usually called Mr. Warren Thomas.

Mr. Smokey Thomas: I'm called many things, usually just Smokey, but some people call me other stuff.

The Chair (Mr. Peter Z. Milczyn): We're being formal this morning.

Mr. Smokey Thomas: All right.

The Chair (Mr. Peter Z. Milczyn): You have 10 minutes, sir. For the record, if you could just state your name as you begin.

Mr. Smokey Thomas: My name is Warren Thomas. I'm president of the Ontario Public Service Employees Union. With me, I have Clarke Eaton, better known as Clarkie. He's the direct assistant to my office; he's my Queen's Park person.

Good morning. I'm Smokey Thomas, president of OPSEU. We're pleased to be here today to comment on

Bill 181, the Municipal Elections Modernization Act. OPSEU represents about 130,000 Ontarians of voting age. Our members live in every municipality in this province, and a good number of them work directly for municipalities and school boards.

Based on my experience, our members are more interested in politics and are more active in politics at every level than the average Ontarian. As a union, we are extremely vocal about issues that affect our members, and we make no apologies for that.

People join unions because they want a voice in workplace issues. For public sector unions like ours, every workplace issue is a public issue as well. Issues related to funding and service levels for our communities are directly linked to the wages and working conditions of our members, and vice versa.

Our legitimacy as a voice speaking out on public issues arises from our democratic structure. Our union, like most unions in this province, is vigorously democratic. To run our union, we elect thousands of stewards and other leaders from the shop floor. I and my fellow executive board members are elected by delegates, who are themselves elected in their locals. I can state with considerable confidence that I have been elected to more positions on more occasions than anyone else in this room—every two years, for the last 24.

Why I say this is because I want to give some context to the issue of banning corporate and union donations in municipal election campaigns.

We often hear the phrase “corporate and union donations,” as if corporations and unions are somehow equivalent, as if they are equally legitimate players in democratic debates, and as if they both spend about the same amount of money trying to influence the outcomes of elections. This is not the case.

Let me say at the outset that we wholeheartedly support eliminating the influence of big money on municipal elections. If there's any organization in this province that has done and said more than OPSEU on the way big money corrupts government decisions, I haven't heard of it.

But corporations and unions are not the same, for two reasons. First of all, as I've said, unions are democratic; corporations are not. Their structure is authoritarian. The relative loudness of their voice comes from the money they represent. As a union, the loudness of our voice comes from the people we represent.

The second point I want to make about corporate and union donations is that corporations as a group donate far more to political candidates than unions ever do.

At the municipal level, as I think we all know, the big issue is not campaign donations from working people and their unions; it's donations from developers. There is no equivalence between the two. That is why we support allowing municipalities to ban corporate and union donations to municipal candidates, as outlined in Bill 181.

The positive effect of banning corporate donations will, we believe, be much greater than the negative effect of banning donations from democratic organizations like ours. On balance, it will lessen the impact of big money on elections, and that's a deal I'll take any day of the week.

One measure included in Bill 181 needs a lot more work, however, and that is what the bill says about third-party advertising. Under Bill 181, any municipality can ban third-party advertising by corporations and unions. This is more complicated than it might appear, for a few reasons.

First, neither the old Municipal Elections Act, nor Bill 181, contain any definition of advertising, maybe because it's thought to be obvious that advertising means political communication that people pay someone else to deliver.

But what about political communication through outlets that the communicator owns? I don't need to tell you that the most influential corporations in any election are the news media themselves. Yet Bill 181, which is supposed to modernize municipal elections, makes no mention of the news media at all.

I don't think anyone here would suggest that any news outlet be barred from taking an editorial stance on any issue at any time or advocating for any candidate at any time, whether it's during an election campaign or not, yet let's not forget that corporations like Postmedia and Torstar are corporations, just as much as RBC and Imperial Oil are. So why should political messaging by news outlets, which they pay for by selling advertising, be exempt?

If my union wants to talk about more funding for public services during an election campaign, it is entirely possible that there will be candidates who want less funding for public services, but that doesn't mean we're campaigning against them. And even if we are, who is to say?

As far as third-party advertising, the government needs to go back to the drawing board with Bill 181. This is a mess on that score.

With respect to contribution limits, a couple of points, we believe, need to be made. First of all, allowing people to donate a maximum of \$750 to a candidate is setting the limit too high. Very few of my members could afford to donate anywhere near that amount. I would advise knocking it down to \$200.

In the United States, Bernie Sanders has demonstrated that it is possible to be competitive in any election if your appeal is broad enough to attract a large number of small

donations. I think we want to encourage that kind of broad participation in our municipal elections.

I don't agree with allowing the candidate and his or her spouse to be exempt from contribution limits. I wouldn't mind if there were a different, higher contribution limit for candidates and their spouses. As I said earlier, I've been a candidate. You're constantly paying for gas, picking up incidental expenses and stuff for the campaign. That being said, I don't think the contribution limit for candidates and spouses should be too high. We would suggest about \$5,000 would be adequate. Without a limit, you could get the Donald Trump scenario where any campaign platform can be put forward, no matter how absurd it is, if the candidate is rich enough to pay for it.

With respect to ranked-ballot elections, we're in favour of allowing municipalities to decide whether they go that route. We have a couple of reasons for this. The first is that ranked-ballot elections are suitable for elections where people are voting for individuals, not parties. In OPSEU, we use ranked-ballot voting all the time, and it works just fine.

The second reason to support ranked-ballot voting is that we need to shake up our electoral systems at the provincial and federal levels. I believe that if people have more experience with a different system at the local level, then they are likely to be more open to change at the other two levels.

0910

Having said that, I think it is blatantly obvious that ranked-ballot voting is not appropriate in a system based on political parties. In a party system, what we really need is proportional representation. Ranked balloting does nothing to ensure proportionality. In some cases, it may even distort voter intentions worse than our current first-past-the-post system does.

One problem I see with Bill 181 is that there are too many grey areas with respect to how ranked-ballot elections would work. Bill 181 proposes that the details of how ranked balloting will work will be set out in regulation. I don't see why those regulations, which will receive no public attention or scrutiny, cannot be included in the bill, and I would encourage the committee to recommend that. Given the vagueness in the current bill, I would definitely recommend a change to require that any municipality that opts to change its voting system must hold a referendum of citizens prior to making that change.

As my final point today, I would like to acknowledge the government's efforts in this bill to make it easier for Ontarians with disabilities to participate in municipal elections, whether as voters or as candidates. I think that's a really important move, and I congratulate the government on including it.

Thank you very much. I'd be pleased to take any questions.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Thomas. This round will start with the official opposition: Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. President, for your presentation. On the ranked ballot, which I usually talk about, I think your position is exactly the same as mine, which is that the people in the municipality should get to decide whether they want the change or not.

I just quickly wanted your view on self-financing campaigns and contributions that the candidate or candidate's family can make to the campaign, and your suggestions on how you would limit it, recognizing that in a large part of the province—in fact, municipalities—a lot of candidates never raise money at all. They just go out and pay for the campaign themselves. You suggested a \$5,000 limit on it. Could you talk to me a little bit about how you decided that or address some of the concerns that I expressed?

Mr. Smokey Thomas: Well, our view is that if you're running for office—I can tell you that I ran many times, and it takes quite a bit to get you elected in a union. I racked up substantial personal debt—usually about \$8,000 or \$10,000 in the election—and only raised about \$2,000 from locals. So I spent the next two years getting even and paying it off.

If you have the money, I think that people should be allowed to put some money into their own election campaigns. I just don't know that \$50,000 or \$100,000 would be appropriate. I mean, you could outbuy an election, almost. You could buy big billboards; you could do all kinds of things.

Anyway, we kicked it around internally in our group and thought that \$5,000 might be a reasonable amount. Somebody else might think differently, but we wanted to pick a number, so we picked \$5,000. Again, it'd just allow you to put some money in, but not have the perception that you bought the election by spending \$200,000 or \$300,000.

Mr. Ernie Hardeman: I think my challenge is trying to figure out how, if you set a finite figure of how much they're allowed to do—for somebody running a \$100,000 campaign, \$5,000 may be the right amount that they can put in themselves, but for somebody that's going to spend \$4,900, that means they can, in certain municipalities, self-finance the campaign. Do you not see that as a problem?

Mr. Smokey Thomas: I do, but we needed to have a position, so that's the one we—this is a complicated issue all the way around, I think. I liked the hearings and I'm hoping that, if there is change, then it will be thoughtful and it will be as fair as possible to everybody. I'm not suggesting that our solution is the only solution by any means.

Mr. Ernie Hardeman: Your suggestion of \$200, the maximum donation from any single donor. Again, it may be that in some areas, it'd work fine, but running in the city of Toronto with the maximum that you can collect per donor—that takes a lot of donors, then, to pay for the size of campaigns that they can run.

The Chair (Mr. Peter Z. Milczyn): I'm sorry, but that is your time, Mr. Hardeman.

Next question, from Mr. Hatfield.

Mr. Percy Hatfield: Good morning, Mr. Thomas and Clarkie. I'm interested in your views on third-party advertising. I know you just blushed over it. You mentioned, especially within the media, how they take positions and they're no different from anybody else.

Mr. Smokey Thomas: Well, here's my view on this. The amount of money and influence by large newspapers, large media outlets—even the CBC, paid for by public dollars—they can have a tremendous amount of influence, and that's a corporate interest. There are shareholders, they're on the stock exchanges, and everything else. They're a corporation just like anybody else. I've long believed that somebody needs to wrestle with that question and put some kind of guidelines, or a box, if you will, around just exactly what they can do.

I'm really in favour of getting rid of third-party advertising too, because I see all the money that's spent on advertising in the run-up.

But newspapers, particularly all media outlets owned by big media—they are large corporations with an interest of their own, which, in my humble opinion, many, many times runs counter to what I believe are the interests and the public good of the average, ordinary Ontarian who either chooses not to go vote or might choose to go vote. They have an inordinate amount of influence. When an editorial board says, "We're going to endorse candidate A over the other two candidates," I think that sways a lot of votes. If you watch the track records of some media outlets—well, I don't know any that are an NDP paper—you can say that about some other newspapers.

I just think there needs to be some thought given—and I intend to raise this if they talk about change in provincial elections as well—as to that how that can be harnessed, if you will, or how that kind of money is not given an undue amount of influence over the general population. There need to be some checks and balances, is what I'm trying to say.

Mr. Percy Hatfield: I know that in the last federal election, Postmedia endorsed Conservative candidates in every paper that they had right across the country. I'm not sure it did them a lot of good. I know that down our way, it didn't do them any good at all.

Mr. Smokey Thomas: I take your point, Percy. But I just think that what I have seen—I've been at this for a long time, and I have seen how newspapers—some of them—have very close relationships with Queen's Park, the Premier's office or whatever, and maybe the mayor's office. If you could find some way to at least recognize that as a problem—I intend to make our views on it very public. The people might take it as, "Well, I'll take that with a grain of salt, and maybe I'll go listen to what the candidates have to say," rather than reading editorials trashing two and supporting one, right?

Mr. Percy Hatfield: Off the top of—

The Chair (Mr. Peter Z. Milczyn): That's your three minutes, Mr. Hatfield. We'll go to the government side. Mr. Rinaldi.

Mr. Lou Rinaldi: Good morning, Smokey. It's good to have you here. I'm going to refer to you as "Smokey," since that's what I know you by.

A couple of things that maybe you can clarify: One is that you spoke about and you made a real good distinction between corporate and union donations, and it's valid. I agree with a lot of that. I'm not sure I got a clear answer on whether you support the banning of both or just one. Do you support banning both corporate and union, or just one?

Mr. Smokey Thomas: Ban them both, yes.

Mr. Lou Rinaldi: Okay, I just wanted to clarify that. The other piece: I wanted to follow up on Percy's comment about third-party advertising. I think it was a one-liner in your statement. That's part of this bill, and that's why we're doing this. Can you be a bit more specific—if not today, maybe send something in writing, because we have limited time—on how you would deal with third-party advertising? What are your views? Because if we're going to look at amendments—I'm not suggesting there's going to be an amendment. It's fine to say, "Well, that's not good," but can you help us with some good suggestions?

Mr. Smokey Thomas: Yes, I will, absolutely. We weren't quite sure—we have rigorous debate internally in our union. I will commit: We'll send a follow-up with our thoughts.

I guess our biggest point is that somehow, we believe, it needs be wrestled with, acknowledged as an issue, and then maybe—well, I'm not going to say "shame" the media, but maybe put a little pressure on them to be a little more balanced and give space to all voices in what I would believe to be a more equitable manner.

Again, let's think about it as the people of Ontario, right? Let's just think about if there is some way we could address it. Maybe there's not—I don't know—but I think it bears looking at.

Mr. Lou Rinaldi: I wasn't just referring to the media piece; I get that piece. But I'm also referring to other third-party advertising—

Mr. Smokey Thomas: Oh. Well, I'm not a fan of the Working Families coalition. I'm not a fan of that stuff. We didn't give and won't give. My union won't give.

I just believe that if you're going to outlaw, say—I don't know. If Imperial Oil or RBC can't give any more money, then unions shouldn't be able to put into that kind of advertising. There need to be limits and rules set in the run-up and during. I think there needs to be some pretty strict rules around that.

0920

If you look at the last provincial election and the last federal election, the amount of money spent in the run-up in third-party advertising was a substantial amount. Anyway, I'd rather just see organizations—my organization spends a substantial amount of money, but it's mostly encouraging our members to go vote, listen to the candidates and vote in their own interest, vote the way they think they want to vote. My members, believe me, probably vote proportionally just the same as the rest of

society, and I'm not about to try to influence them. I have supported particular positions over another, being the lesser of three evils, if you will.

I just think if we're going to have a look at it and we're going to have discussions about it, they should be fulsome. Let's take what I would call the elephants in the province, put them out there and talk about them—and maybe there is a consensus. It would be awesome to see a consensus of three parties to come out and enhance, if you will, and enshrine democracy in Ontario. I think this is a fantastic exercise. I applaud all of you, actually, and I don't do that very often, but I do.

The Chair (Mr. Peter Z. Milczyn): On that note, Mr. Thomas, thank you very much. If you wish to make a written submission as well—

Mr. Smokey Thomas: We will.

The Chair (Mr. Peter Z. Milczyn):—you have until 6 p.m. today.

Mr. Smokey Thomas: Oh, 6? I'll talk to Randy. I don't actually write the stuff.

Laughter.

The Chair (Mr. Peter Z. Milczyn): We thought you did.

CITY OF BARRIE

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mayor Jeff Lehman. Good morning, Your Worship.

Mr. Jeff Lehman: Good morning, Mr. Chair.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes. If you could please state your name for the official record as you begin.

Mr. Jeff Lehman: Thanks for the opportunity. I'm Jeff Lehman. I'm mayor of the city of Barrie, and I'm here as well in my capacity as the chair of Ontario's big city mayors' caucus. We're the 27 municipalities in Ontario with 100,000 population or more.

I wanted to start by commending the government on both the municipal legislation review in general and specifically the changes to the Municipal Elections Act. There's a lot of good things here.

I'll start with a simple matter. We really appreciate you shortening the campaign period. LUMCO, my caucus, has been calling for this change. May 1 is probably a reasonable compromise. We had lots of different views on this, but there's a big problem. You essentially lose a year to the election cycle. Your elections, the federal elections—well, they're supposed to be about 36 days long. I know that a recent federal one was a bit longer—but for some reason, we go through a year of electoral politics, and it's not necessary. We do need longer, because individuals need time to raise money and frankly with the new rules will face, perhaps, additional challenges in that, but the current system doesn't work at all and it frankly advantages us as incumbents. So we're pleased to see the change to moving to a later nomination date.

On campaign finance, there have certainly been a lot of calls for change from grassroots organizations like

Campaign Fairness and from academics like Robert MacDermid at York University. Quebec, Manitoba, Nova Scotia and recently Alberta have moved to legislation that bans corporate and union donations.

I'm very pleased with the change to propose that local councils could make this decision. Actually, as soon as this was announced, we put an item on our agenda—so I had a motion at council on April 18 that was resolved as follows: that staff in our legislative and court services division review the reforms and, if the legislation is passed, report back on changes for 2018; and if the reforms allowing municipalities to ban corporate and union donations are passed, that necessary actions be undertaken to ban donations from corporations or unions in Barrie for the 2018 and subsequent elections. That was passed unanimously by Barrie city council, so if you pass the legislation, that's a done deal. We're going to proceed with that.

I will tell you that I agree with the change. It simplifies things to a very simple principle, and the principle is: If you can vote, you can donate; if you can't vote, you can't donate. I think it will help level the playing field. I will tell you from my personal experience that as a candidate in three municipal elections, I turned down some donations because I felt they were coming from a party that had a clear interest in the decision that would be made by the council potentially right after the election. But it was very difficult to do that. I set my own ground rules, I tried to set my own standard of who I could accept a cheque from and not, but there were a lot of slippery slopes there. This is a simple approach, a universal approach, and I think it is a very good one. I should emphasize that is not the position of the Ontario big city mayors' caucus; that is the position of my council and myself as the mayor of the city of Barrie. The Ontario big city mayors' caucus has not taken a position on this issue yet simply because we have not debated it or passed a resolution.

On the ranked ballots, I really agree with AMO's position that, if you were going to set the ground rules by regulation, it is very important that the framework is actually a broad one. The reason for that is that there are a lot of devilish details in implementing change to the electoral system. I am actually a supporter of the ranked-ballot approach and having the option to do it. I don't know whether the city of Barrie will actually even consider it for 2018. That will be a discussion we'll have at the local level, if you give us the authority to do so.

But I can tell you that there are a lot of advantages to the system. It does work well in a system based on individuals. However, you can get to some real challenges and confusion for the voter, especially in municipal elections where you've got dozens and dozens of candidates. That can create a real problem. For example, in a system where you literally have to rank all the candidates—imagine in the Toronto mayoral race where there were 45 or a very high number of candidates. So details like that are very important.

Some of the conversation that we've had with municipal officials and clerks would suggest that if the

regulation allows the freedom for municipalities to select which office, for example, might be elected using ranked ballots—we administer elections for a large part of central Ontario. It may not be appropriate for school trustee elections, for example. We will want to talk to our residents in our area about what's appropriate. I do want to say to you that, if you're going to do this—and I commend you for taking on the issue and taking this step—by regulation rather than in legislation, or even frankly in legislation, please establish a broad framework that allows as much local discretion on this particular issue as possible.

A couple of specific areas on municipal elections: The limit on parties and expressions of appreciation after voting day is a very good idea. That is an area that's open to potential abuse. A candidate who doesn't accept contributions of money and wouldn't therefore have to open a bank account—that's actually a good thing too. It's a small thing, but these small things can be barriers, especially for individuals of limited resources. In one change you're changing, that if a candidate sells items for \$25 or less in order to raise funds it's campaign income rather than a contribution, will make a very big difference, and that's just good practice in elections and in managing those donations. I think the rules on whether two corporations should be considered a single corporation—that is also a welcome change. So some of these details that you're addressing, clearly, I think have come up through candidates or up through clerks, and they are very positive ones.

The third-party advertising issue is a difficult one and, like your previous witness, I don't have in my remarks today a proposed solution for you. It is a thorny one because, again, how do you start to recognize where third parties are affiliated? How separate from each other or different do they need to be so that we don't end up with 10 similar organizations all claiming a spending limit, for example? Our general position is that, as much as possible, the rules should align with those at the provincial and federal levels. I would suggest to you, as an elected official, that there are additional reforms needed at all three levels of government with regard to third-party advertising.

There are only a few changes in the bill with regard to the voters lists. This is hugely problematic. I'm sure you have heard this and will hear this through the process of the hearings. It's not an easy job, and MPAC has made major improvements and advances. But it is a big frustration, election after election. My clerk would shoot me if I didn't tell you, on her behalf: Please, put some emphasis on this. Put perhaps greater effort into what would improve the accuracy of the voters lists. I understand enumeration is expensive and difficult, but it can frustrate our voters, it can really frustrate our staff, and, frankly, this is a basic element of democracy that Canadians pride themselves on. We should be able to get this right.

0930

The last thing I wanted to mention actually comes out of a little bit of personal experience, and is one that I hear

often from candidates. The financial form, form schedule 4, which candidates use to file their financial returns after an election, is actually surprisingly difficult to fill out. The difficulty is actually in some of the grey areas.

The problem I want to highlight here is not so much the form, but that there are no resources to get answers. When you call the ministry, the ministry unfortunately cannot provide answers to candidates on many occasions. I don't know quite why that is, but my representatives have had that experience, and I've heard this complaint from other candidates in my city of Barrie. You want to do things right, especially as a mayoral candidate, knowing that there will be a lot of scrutiny on every word that you put on those forms. But if you call and say, "Can I get some help with this?", sometimes the answer is that you need to contact independent legal counsel. That's not a great answer because it's expensive, especially for a first-time candidate or candidates that aren't raising a lot of money.

My suggestion to you is this: either if the ministry could establish a function where it can provide answers to candidates or allow an officer of the Legislature to be a resource, or even the court system, or even a municipal association. That would be a very welcome information resource to candidates that would help all the reforms be more effective.

Thanks for your time today, Mr. Chair.

The Chair (Mr. Peter Z. Milczyn): You're almost right to the second.

Mr. Jeff Lehman: Cool.

The Chair (Mr. Peter Z. Milczyn): This round of questions starts with Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. Good morning, Jeff; good to see you.

Mr. Jeff Lehman: Good morning, Percy.

Mr. Percy Hatfield: One thing some of us are wrestling with is giving non-residents in our municipalities the right to vote. They pay municipal taxes. They send their kids to our schools. They co-chair soccer teams or whatever. Yet because they're not Canadian citizens, they don't have the right to vote at the municipal level. I'm not talking about allowing the vote provincially or federally, but at the municipal level. What is your opinion on non-residents having the right to vote since they pay the taxes?

Mr. Jeff Lehman: That's a great question. Thanks for it. We do not have a position as a caucus. I'll give you my opinion as an individual. I think it's a laudable goal. It creates a consistency across who gets to vote. I think it would be probably problematic in terms of verification and the details of generating a voters list. If the details could be worked out, I think I would be in favour of that.

Mr. Percy Hatfield: I know when I went door-to-door I would have a non-resident go up to the thing and it would say "non-resident." Whether that was at the provincial or municipal level I can't recall, but it's pretty well the same voters list. So you would know who they are as you go to the door.

Mr. Jeff Lehman: So you're talking about somebody who is on the Canadian or Ontario list?

Mr. Percy Hatfield: Well, when you get the list, we're getting the same information, be it federal, provincial or municipal when you get on the street. You know who lives there, or who should—not that the list is updated; don't get me wrong. It's terrible in that regard, but it does say if you're a Catholic supporter or a public supporter, resident or non-resident, owner or tenant, or whatever.

Mr. Jeff Lehman: Yeah, it would seem consistent to me that if we continue the principle in Ontario that property ownership confers voting rights, that would make sense.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): All right. Ms. Vernile?

Ms. Daiene Vernile: Thank you very much, Chair. Good morning, Mr. Lehman.

Mr. Jeff Lehman: Morning.

Ms. Daiene Vernile: Thank you very much for coming all the way from Barrie to be here with us today before this committee. I hope your drive wasn't too bad.

Mr. Jeff Lehman: It was not bad today. I know a back road.

Ms. Daiene Vernile: I really appreciate your directness and your clarity on this matter and the ideas you put forward. You know that when it comes to the issue of ranked balloting, this was a campaign promise that we made in the 2014 election and it is an item that appears in the minister's mandate letter. You mentioned whether it's going to be a bill or a regulation. Having it as a regulation does allow us to make adjustments along the way if we need to.

I want to touch, though, on the issue of campaign finance that you talked about. I'm from Kitchener Centre, and in my region, Waterloo region, in the last municipal election we had this one candidate who was a one-issue candidate. He was against the LRT, and he spent over \$200,000—you're nodding your head. You know about this guy.

Mr. Jeff Lehman: I know him well.

Ms. Daiene Vernile: It was quite a headache for all the candidates. I'd like to ask you if you have any ideas about limitations on what you can spend during a campaign.

Mr. Jeff Lehman: It's funny. I was thinking about that as the previous witness was giving his remarks. I would not support a contribution limit from the individual as low as Mr. Thomas had suggested, only because of this: There are spending limits, and the spending limits, frankly, are fairly reasonable, in my opinion.

I know there was a lot of debate about the actual spending in that particular election in Waterloo, and there is the risk that individuals running for office may spend all of their money on a particular issue. Some of that is democracy.

I guess my question around the individual limits would be—I think the larger the spending limit, the

greater the problem of allowing an individual to contribute all of that money, because the higher the barrier, for those who don't have that money, to compete effectively in the election.

I could see the logic around a cap on self-contributions, but I think you would want to do it in such a way that it was a little more substantial than what Mr. Thomas talked about, and I'll tell you why. I have two councillors who self-fund their campaigns. That is their basic principle. They don't want to ask people for money. They want to fund it themselves, for whatever reason—whether they don't want to have any sense that they owe someone, or they just don't like asking people for money. They spend a bit more than \$5,000, but not a lot more, and they've been successful in the elections, and they're not rich people. It is not the case that these are wealthy individuals buying an election. They're principled people who have chosen to self-finance their campaigns, and I don't think that's wrong.

Ms. Daiene Vernile: We've got 10 seconds left?

The Chair (Mr. Peter Z. Milczyn): Just about.

Ms. Daiene Vernile: I will say thank you very much for coming again.

Mr. Jeff Lehman: Okay. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you, Your Worship—oh.

Mr. Ernie Hardeman: It's my turn.

The Chair (Mr. Peter Z. Milczyn): We have one more round. I apologize. That was a mistake. That was not deliberate. Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. Mayor, for your presentation. Just two items I wanted to talk about, just for a minute. The first one is, you mentioned that if we're going to go to the ranked-ballot business, we should make the regulations broad or put it in the bill. You then mentioned some of the good things in the bill, and you believe it's important that the government control whether the victory party is an election expense. Don't you think that councillors who raise the money should be allowed to decide whether it is or isn't an election expense?

Mr. Jeff Lehman: No. Sorry, Mr. Hardeman. On that one, I just feel it's an area that's open to abuse, and we have seen some examples of it—

Mr. Ernie Hardeman: I say that somewhat with tongue in cheek.

Mr. Jeff Lehman: Yes, okay.

Mr. Ernie Hardeman: The one I did want to talk a little bit about was the timing, the writ period, and changing the registration date from January 1 to May 1, but then also moving closing of nominations up two months. So in fact, we actually have a longer writ period, because the writ period is from when nominations close to the election day. Of course, it shortens the time when new candidates can raise money.

The sitting members of city council can make their views known, and people know—they told the press they're running again, so they can be working towards—they get called to the events and they can work towards

re-election. But a new candidate can't do anything until they actually register. Don't you think it's actually going to hurt new people? Why would we not just move that forward but make a clearer definition of when the writ period starts, as opposed to—it's a choice that people make, that they want to start campaigning January 1. It's not a choice that they have to register if they want to raise money.

Mr. Jeff Lehman: There are a couple of issues in there. I would say to you that the practice already is that in the year before the municipal election, you see people who want to run for municipal office start showing up at events, start showing up at city council meetings. They have an unerring ability to be closer to cameras. Probably the incumbents do the same thing. What you can't do is raise money, so you're right to ask: Is that a threat to new candidates? With respect, I think May 1 until late October is still a long time to raise money. I think that because municipal spending limits are generally quite low, except in the largest of cities, the amount of money can be raised with a decent campaign.

I don't think it's a bad thing at all for our democracy to allow us to work for four more months before we enter an electoral cycle. We have two levels of government that have a relatively short election period in which government activity is significantly curtailed, but at the municipal level, you've got a lot of that—

Mr. Ernie Hardeman: In this case, you do know that the writ period has actually been extended.

Mr. Jeff Lehman: Yes, I do.

Mr. Ernie Hardeman: It's longer.

The Chair (Mr. Peter Z. Milczyn): And that is your time, Mr. Hardeman.

Thank you, Your Worship. If you do wish to send something in writing, you have until 6 p.m.

Mr. Jeff Lehman: Okay. Thank you, Mr. Chair.

The Chair (Mr. Peter Z. Milczyn): Thank you very much.

Our next witness is Councillor Karygiannis. He did notify the Clerk that he will be a few minutes late, so I would suggest we recess for five minutes while we wait for him to arrive.

Mr. Lou Rinaldi: Is the next presenter here?

The Chair (Mr. Peter Z. Milczyn): Those are the only three presenters this morning.

Mr. Percy Hatfield: So a five-minute break?

The Chair (Mr. Peter Z. Milczyn): A five-minute break.

The committee recessed from 0940 to 0945.

MR. JIM KARYGIANNIS

The Chair (Mr. Peter Z. Milczyn): I call the meeting back to order. We left off with our next witness, Councillor Jim Karygiannis.

Councillor Karygiannis, thank you for coming this morning. You have up to 10 minutes for your presentation, followed by nine minutes of questions, three

minutes from each caucus. As you begin to speak, if you could please state your name for the official record.

Mr. Jim Karygiannis: Chair, Mr. Milczyn, my name is Jim Karygiannis. I'm councillor in ward 39. I want to thank you for having me.

You might be aware yourself, sir, because you were a municipal councillor before, of the difficulties that we have, but some of your colleagues might not. So I'm going to start by reading an email between me and the city to get clearance as to how we proceed, and I've sent it to staff for distribution. The email goes:

"Dear Councillor Karygiannis,

"This email is a follow-up to our conversation from earlier today. It is my understanding that in November and December, 2014 you contacted Gail Baker of my office through various emails and phone conversations inquiring about campaign finance matters, including how to report 'salaries, benefits, honoraria and professional fees incurred after voting day.'

"I understand that she advised you that the form 4—financial statement—auditor's report lists salaries, benefits, honoraria and professional fees incurred until voting day as an expense subject to the limit, and salaries, benefits...

"She also advised you that although we can provide general information, we cannot provide legal advice or interpretations of the legislation. She suggested that you call the Ministry of Municipal Affairs and Housing or seek your own legal advice for clarification whether services provided before voting day, but"—and it continues, sir.

This is what we've been getting. We've got no clear direction. If we were to call our elections office, the city clerk, and say, "What do we do?" it's absolutely vague, absolutely, "Call the province." When we call the province, the province says, "Well, we really don't know. This is up to the clerk," and it bounces back and forth.

Federally, being a federal member of Parliament, and provincially, as you are, if you've got any questions about election finances, you either call Elections Ontario, or we call Elections Canada. They're there to provide you clarity and to tell you what you can and cannot do. At the end of the day, when that's all said and done, you file your return, provincially or federally, with Elections Ontario or Elections Canada. They're the ones that have oversight. They're the ones that look at it. If there's any investigation to be done, I understand that federally, it's done by Elections Canada; I'm not sure about Elections Ontario, but I presume it's the same. But in the city of Toronto or other municipalities, you file your return; they receive it. You've got an auditor; they receive that too—and then it goes out in a black hole. Anybody in the public that wishes can challenge that, and then start the legal bills.

There's no direction or clarity that we have. What I'm asking of you, when you go through this bill, is very simple: Give the city the authority to go through our returns, to give us legal advice on what we can charge and cannot charge, and give us clarification on how we put our return through. We don't have that.

I hope in Bill 181, you address that, and that you do a mirror image of what you do provincially and federally. Either have the city clerk's oversight or have a committee or some sort of an oversight from your side so that when we call in, we get clarity. This clarity does not exist today.

Having run federally eight times and once municipally—and trying to get clarification and sending emails—"Go to your lawyer"—I had to incur a bill of \$850. Once my lawyer started piping up, the city of Toronto said, "Oh, yes, that's okay. You can do it this way." So the city clerk of the largest municipality in our province looks to you for advice; I come to you for advice. I can't get it. When I challenged it, because I'd written to a lawyer, then I got some clarification. So I'm asking you to create a body, as you had done back in 1996, that justifies and tells us what we do.

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Now I'm going to tell you another little horror story. If I was to have a fundraiser and I hired someone to do that fundraiser, all the costs of me hiring that individual—him or her—do not count toward my election expense. I can send out a mailer to my community and say, "Give me money," with my name in bold. That does not count as my election expense. So all the money that I use in order to do that—if I have an event and they give me cheques—does not count.

If, however, I do what we do today and have a webinar on the Internet and send people an email and say, "I'm going to be on the Internet. Watch what I do and if you like what I'm doing, send out a political donation through my campaign" and I capture this electronically, all the costs of capturing that electronically count toward my election expense.

So what you've got on one side is if you hire somebody, it does not count, and that person can charge you up to \$10,000; and on the other side, if you do a webinar and capture this electronically, the cost of fundraising, the cost of what the bank charges you—the 3% on your Visa, MasterCard or Amex—counts toward your election expense. That's ludicrous.

Speaking to a former chair who was looking after this back in 1996, George Manios, he advised me that the intent was that anything that we use in order to raise money, any fees that are done, do not count towards your election expense. So you need to provide clarity to us and you need to make sure that what we do does not get challenged and goes to court, but that there's a body that actually looks at, delegates and has the authority to charge us if we do something wrong or has the authority to give us advice.

Right now, we have absolutely no advice but to go to our lawyer or to go to our finance officer and say, "What are we doing?" Those are not the experts. The experts should be somewhere within your ministry; or empower the cities to have that expertise and have staff in order to give us clarity and advice.

Thank you, Mr. Chair.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Karygiannis. This round of questions starts with the government: Mr. Dong.

Mr. Han Dong: First of all, thank you, Mr. Karygiannis, for coming here and giving us this great presentation. I don't think that I've ever congratulated on your win in the municipal election.

Mr. Jim Karygiannis: I thank you.

Mr. Han Dong: Again, having worked with you, I know how hard you work in your riding previously—

Mr. Jim Karygiannis: I'll quote you on that in my next newsletter.

Mr. Han Dong: I just want to ask your view on the shorter writ period. The bill proposes to move it from January to May. The end of registration is proposed to be moved up from September to July. The registration window is between May to the fourth Friday, I believe, of January. What's your view on that?

Mr. Jim Karygiannis: Six months is plenty enough. However, federally and provincially, you can knock on doors during your nomination period and you can knock on doors as a candidate. Six months is fine by me, but we cannot knock on doors as a candidate unless we're registered and/or have flyers that say "I'm running for."

If it could be somehow looked into, the possibility that we can knock on doors, fine. If not, six months is plenty enough. It would also provide a shorter time period that we can have all the mayoralty debates, because they run into a gong show.

Mr. Han Dong: But I know that you stay connected with your constituents all the time, so it would be the same for you.

The other thing that you mentioned: You talked about fundraisers. We also heard there are some comments from stakeholders saying that we should address the concerns about inappropriate spending on gifts and parties. What's your view on that?

Mr. Jim Karygiannis: Sorry, there are no parties municipally, so I might not be understanding the question.

Mr. Han Dong: Like celebration parties.

Mr. Jim Karygiannis: Ah, you're talking about celebration parties.

Mr. Han Dong: And gifts.

Mr. Jim Karygiannis: I think there has got to be a guideline: "These are honorariums, gifts for people." The way that they help you, there has got to be a guideline. This is something that means, once you provide clarity—because I was asking for clarity. I was asking, "What can I do on honorariums?"

A party: I've heard of some people holding parties. I'm not going to say what city—but somebody celebrating their wife's birthday while having a victory party. I'm coming up to 30 years. If these things don't change, I'm going to have a massive party on 30 years and invite everybody that I've known for the last 30 years in politics to come and celebrate with me, if you leave it open like this. You're going to have to give us guidelines as to what is acceptable and what is not acceptable. Now, mind you, for a victory party, provincially and federally,

you can spend as much as you want, because it does not count towards your electoral thing. That's the night of.

So some clarity and some guidelines have to be given by you, and that's why I'm saying that you've got to bring that into the fold, where we're given advice.

Mr. Han Dong: Thank you.

The Chair (Mr. Peter Z. Milczyn): That's the time for this round. The next question: Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. I was intrigued by your comments about having a chief electoral officer for municipal elections.

Mr. Jim Karygiannis: It could be somebody locally in every city, or it could be something for the province, and they give us guidelines.

Mr. Ernie Hardeman: I think it's interesting that in fact, in your municipal election, the clerk of the municipality is the chief returning officer. But you're right—

Mr. Jim Karygiannis: You've seen the email that I read you—

Mr. Ernie Hardeman: If you look at the bill, there's no ability for the clerk to actually do what you're asking to do. So I can see your suggestion of giving more authority and more responsibility for actually overseeing it. You have to turn your finances in. In the bill, you have to turn your spending in to the clerk, but the clerk does not have the authority to ask for more information if it isn't up to date.

I think you're right that we need to somehow give that department some kind of authority—

Mr. Jim Karygiannis: Mr. Hardeman, I'm sorry, I'm not trying to cut you off, but you see, there are a lot of small municipalities that might not have the expertise, or the city clerk might not have the staff to do it. So I would make the suggestion that you might want to have it run under the Ontario elections officer, or have a Chief Electoral Officer for all the province, overlooking all the municipalities, so that if we go for questions, then that individual or that body can certainly guide our clerk.

In the city of Toronto, there are three million people, but if you go to—I don't know—Marmora, you're lucky if—

Mr. Ernie Hardeman: But if the province set up a chief electoral office for municipalities, it would have to be the same size of office as, if not larger than, the provincial Elections Ontario, because, in fact, there are more candidates running in a municipal election than there are in a provincial one. Would the municipalities pay for that?

Mr. Jim Karygiannis: Well, look, we're creatures of your thing. I think that the municipalities—there could be something that you could ask candidates also to put up some money. Municipally, you've got people who put 100 bucks and say, "I'm going to stick my name in there." I think if you get 1% of the vote, you get back your deposit.

Provincially, I'm not sure if it's 10% or 15%, but federally, you've got to get 15% of the votes in order to get back your down payment. The down payment should

be—you know, putting 100 bucks down to run—we don't attract serious candidates. You've got to raise that. Federally, it's 1,000 bucks and signatures. I would say to you that, municipally, depending on the size of the municipality, you could go up to \$300 or \$400, and for mayor, it should be 1,000 bucks, and so many signatures, to run.

You don't want to have somebody who goes on a horse to run with only 25 signatures. If you're a serious mayoralty candidate in the city of Toronto, you should be able to at least select 3,000 signatures, and, for municipal councillors, 150, as you do federally. I'm not sure if it's the same provincially.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Hatfield.

Mr. Percy Hatfield: Thank you. Welcome. Good morning.

Mr. Jim Karygiannis: Thank you, Mr. Hatfield.

Mr. Percy Hatfield: When I was on city council and I didn't know if I was in a conflict of interest or not, I would ask the city solicitor, and they would say, "Go ask a lawyer."

Mr. Jim Karygiannis: Well, that's what they told me.

Mr. Percy Hatfield: Yes. Well, their job isn't to tell me if I'm in a conflict, but they would say, "If you think you are, then just declare it."

Did you consider going to the Integrity Commissioner in Toronto and asking them?

Mr. Jim Karygiannis: The Integrity Commissioner, sir, does not overlook elections financing. If you are elected for the first time, the Integrity Commissioner is not something that overlooks you until you are sworn in as a municipal councillor. I would say to you that the Integrity Commissioner's job is slightly different than overlooking electoral returns.

Again, when you've got something like 44 councillors and about seven or eight people running per ward in the city of Toronto, I think the job of the Integrity Commissioner would become inundated.

Mr. Percy Hatfield: The suggestion of a Chief Electoral Officer, versus clear language, clarity of language: What would be your preference, if the wording was there that was easily understood by everyone?

Mr. Jim Karygiannis: Definitely, you need clarity in the language. However, if you're running, you can read the language and be aware of it. But the intention back in 1994 or 1995, when this act was brought forward the first time—having spoken to the gentleman that was looking after this; his name was George Manios—was that municipal councillors call up and get clarity. When I told him about the webinar and everything else, he said, "That was not the intention, for you to get hammered on. The intention was for us to give you clarity."

So with the first act that you had, you had the people in place, but unfortunately, after the change in government—I believe that would be in 1995—that position was taken away so there was absolutely no clarity.

Mr. Percy Hatfield: What is your position on ranked balloting at the municipal level?

Mr. Jim Karygiannis: Sorry?

Mr. Percy Hatfield: Ranked balloting at the municipal level?

Mr. Jim Karygiannis: You know what? You don't have ranked balloting provincially. You don't have ranked balloting federally, although they're looking at it. You tried doing that back a couple of elections ago. As a matter of fact, I met one gentleman on a plane, a member of Parliament from Brampton, Dr.—I can't remember his name, but he was going overseas to look at it. When he came back, you guys vetoed it and you also had a referendum.

So first-past-the-post in the Westminster system works well. For me, it doesn't really matter if you get more than 65% or 70% on the ballot—it really doesn't matter. But to other candidates, it does matter.

Mr. Percy Hatfield: Would you consider giving non-residents the vote, since they pay municipal taxes and use your municipal services?

Mr. Jim Karygiannis: Would we consider giving the people who also pay provincial tax and the federal tax—citizenship must count for something. If you can get citizenship within four years, that must count for something: the duties and responsibilities of a citizen. Would we consider people that own a house because they pay municipal tax and they live outside the country, giving them the right to vote? I'm sorry. You've got to be a citizen in order to vote. It must count for something. Citizenship must mean something to you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much, sir.

Mr. Jim Karygiannis: Thank you.

The Chair (Mr. Peter Z. Milczyn): If you wish to submit something in writing to the committee, you might do so—

Mr. Jim Karygiannis: I have sent to the Clerk the email that I received, and I would say to you this is more from what I read. I think that email specifically outlines to me the difficulties that I have.

Thank you, Mr. Chair, and thank you, members of the committee, for having me.

The Chair (Mr. Peter Z. Milczyn): Thank you.

To members of the committee, just a reminder that today at 12 noon, we have a luncheon with the Financial Accountability Officer. This is something that was mentioned before. It's meant more for the permanent members of the committee, so perhaps pass it on to Mr. Fedeli. That will be in committee room 2 at 12 noon.

Otherwise, committee is recessed until 2 p.m.

The committee recessed from 1003 to 1400.

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Chair (Mr. Peter Z. Milczyn): Good afternoon, committee members. I'll call the meeting back to order. We'll resume consideration of Bill 181, An Act to amend

the Municipal Elections Act, 1996, and to make complementary amendments to other Acts.

Each witness will receive up to 10 minutes for their presentation, followed by nine minutes of questioning from the committee or three minutes from each caucus. I ask committee members to ensure that their questions are relevant to Bill 181 and to keep them brief so that the witnesses have an actual chance to respond. Any questions? Seeing none, our first witness of the afternoon is Mr. McNamara. Good afternoon, sir.

Mr. Gary McNamara: Thank you, Mr. Chair.

The Chair (Mr. Peter Z. Milczyn): As you begin, if you could please state your name for the official record.

Mr. Gary McNamara: Gary McNamara, president of the Association of Municipalities of Ontario.

Mr. Percy Hatfield: And mayor of?

Mr. Gary McNamara: And the mayor of Tecumseh, Ontario.

It's a pleasure to be here today to speak about Bill 181, the Municipal Elections Modernization Act. This is the only piece of election legislation that is regularly reviewed, and it has been reviewed after every municipal election that I can remember. Every four years, there is a consultation process, and every four years, AMO has provided input and advice.

Our advice has been based on one simple element: trust—trust in municipal governments and trust in the system used to elect our municipal councils. Municipal governments are different from provincial and federal governments. We are not a party-based system. At the same time, through our daily work, we touch and affect those living and working in our communities in ways that the province does not.

While AMO broadly supports this bill as it is written, there are some items that are still worthy of the consideration of this committee. We believe the principles are correct, but there are several changes that we believe would strengthen the bill, manage unintended consequences and bring additional clarity.

First, I want to share with you AMO's first principle, and it is this: Municipal governments are mature orders of government. This is the test that we believe every policy respecting municipal government must meet.

I probably don't need to remind the members of this committee that municipal government organizations in Canada actually predate our current national and federal governments. In New Brunswick, Saint John was established in 1785, and subsequent municipalities were organized after the districts act was passed. The Baldwin Act in 1849 ensured municipal councils were chosen wholly by election and were given the ability to raise taxes. Since that time, municipal governments have evolved and continue to be the government closest to the people of their communities.

We have created numerous means to engage our residents in our decision-making. Our council meetings and committees give notice of meetings, accessible agendas and reports, as well as records of deliberation, and also they're readily available. I would wager that

deputations occur at almost every council or committee meeting across Ontario. Community surveys, open houses, referendum/ballot questions and advisory committees are just a few of the many techniques available to gain public input to councils' decisions.

Access to municipal governments is much greater and accommodating than the other orders of government. Residents can engage us on the street, transit, the super-market or even on our home phone after hours, and I assure you that many take these opportunities. This speaks to the health of local democracy.

As you can see, I passionately believe that municipal governments are the most open and accessible order of government in Canada. Municipal governments make decisions in consultation with residents. The consequences of not doing so can be perilous. We have been getting municipal government right in Canada for over 200 years. That's an achievement we should all be proud of and respect.

Now that you understand some of the perspective AMO brings to municipal matters, let me move on to some of the more major provisions in the bill, starting with ranked-ballot elections. This is one of the most major changes in this bill. AMO believes that the bill gets this right by leaving ranked balloting as a local choice. Using ranked ballots is a choice that should be left up to the community. A municipal government, with the input of its community, is the democratic expression of that community.

I understand that some members of one opposition party feel that every council should be required to have a referendum on the question of ranked ballots if a municipality wants to consider this change. That would mean that even a municipality with 120 residents, with an annual budget of about \$165,000, would need to hold a referendum to use ranked ballots in their own elections. Councils will use a referendum if they think it's needed. However, AMO believes that requiring a referendum to determine whether to try ranked ballots is excessive and does a disservice to local governments and our residents.

As I've said, municipal governments have evolved in numerous ways to engage our public. These methods allow for better conversation, and even more so when you consider that 85% of Ontario municipalities have fewer than 50,000 residents.

I assure you that if a municipal council chooses a ranked ballot election and our residents don't like it, there will be pressure to change it. And if members of council don't listen to their residents, then, no doubt, there will be a different set of municipal leaders after the next election, and they will ask for change. That is how democracy works.

AMO, the public, councillors and others will appreciate the changes to the election period. While AMO's preferred option is to have a fundraising period from January until the nomination day, when the election period would begin, setting the nomination date to May 1 will still reduce the period.

However, debate in the Legislature has raised some legitimate potential issues around the withdrawal date of

the fourth Friday in July. The concern is that this earlier date may disadvantage volunteers and others who can't afford a longer leave of absence from their jobs to campaign. We don't know if the concern will be borne out, and I know AMO and every member of the Legislature would be alarmed if it did. You could amend the bill to revert to the current date in September, to be safe, or you could decide to try the proposed date and revisit it during the act's next review, in 2019.

There have been a lot of discussions lately in the provincial Legislature, and outside of it, about whether it's appropriate for unions or corporations to donate funds for elections. There is also discussion about whether it is appropriate for them to communicate about election issues.

This bill sets up a permissive framework for municipalities to determine whether to ban corporate or union donations and, if banned, then how third-party advertising is to be handled. The bill, as drafted, is leaving the choice for local determination.

Let's be clear: Municipal governments are not organized on a party system. Candidates are not supported by communications from a central headquarters, and municipal candidates do not get funding from a party. Their funding comes from willing contributors. Furthermore, the Municipal Elections Act has strict limits on contributions to candidates, and candidates can't raise funds outside of the nomination period. These are major differences between the provincial and federal systems and the municipal system in Ontario. It gets challenging to take a one-size-fits-all approach, given these differences.

We would recommend that this discretionary aspect of the bill not be amended to effect a full ban across the province.

What would happen if you make such an amendment? I would suggest that you must change the contribution limit of \$750 for municipal candidates to match the individual limit of provincial candidates, and this is before riding and party contributions are calculated. In fact, the \$1,500 federal contribution limit for individuals might address this differential.

Why should you think about adjusting the contribution limit upward? The bill shortens the municipal campaign period, and municipal candidates can only raise funds in the nomination period, so the bill already limits fundraising abilities before taking union and corporate donations out of the picture. This means that a candidate for the position of head of council in a major city would need to raise \$3,000 per day during the campaign to meet the spending limit. Again, there is no party system at the municipal level. If this committee considers banning corporate and union donations, it must turn its mind to, and adjust, the \$750 contribution limit. In fact, the act provides the mayor of Toronto with a contribution limit of \$2,500.

For some time, AMO has raised the issue that late filing for election finance documents should not automatically result in losing council seats, along with the ability to run in the next two elections. Minor delays in

filing, or minor errors to a complex set of documents, done in good faith, could be better dealt with with a suspension from council until complete, correct documents are submitted. Deliberate and major contraventions should still result in the maximum penalty. Our own recently elected Prime Minister even needed a little time to get his documents in order.

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AMO appreciates the changes in the bill that reward filing on time and allow extra time with a fee. This is a step in the right direction, but we would still appreciate the introduction of tiers of penalties that include suspension for minor breaches.

One of the best ways to inspire confidence in elections is to ensure an accurate and up-to-date voters list. The municipal voters list has many inaccuracies. Some of the most hurtful for constituents include deceased relatives. Part of the challenge is getting timely information from the body collecting it. We understand that the Ministry of Municipal Affairs and Housing, the Municipal Property Assessment Corp. and municipal clerks are working to improve the list. We look forward to seeing the results of their work, as it's critical in the run-up to the next election.

One item of the bill that should help us is the discretion of the clerk to remove a name of a deceased person. This improvement is positive. However, we also note that the role of the clerk has been expanded substantially, and we hope that this will not unnecessarily stretch municipal election staff's capabilities.

Finally, for some time, AMO has been advocating for the flexibility of municipalities to have an earlier first meeting after an election, as eager councillors will want to get to work serving their communities. We believe the current Municipal Act requirements are appropriate for some councils but are too long for others. As a result, we think that municipalities should have the flexibility to set their first meetings between mid-November and the current date of December 1.

The Chair (Mr. Peter Z. Milczyn): Mr. McNamara, that's your 10 minutes. We'll move to questions. First, Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. President. I just wanted to quickly go to your comments about the history of local government and the fact that it has a greater history than the provincial one. I don't disagree with anything you said there, but of all the things that have changed since the original in 1785 and then the Baldwin Act in 1849, never once did any of those changes include changing how we elect people to those councils. It was set up then, it seemed to work pretty good in 1785 and it's still working good. Could you tell me why you think that's never changed?

Mr. Gary McNamara: Well, if we go back to the original first-past-the-post, I don't think there was a referendum bad then either. I think that was the governing rule of the day and—

Mr. Ernie Hardeman: I'm not talking about a referendum. I just wondered about why there should be a need to change how we get elected.

Mr. Gary McNamara: Well, again, as I stated earlier in my submission, we're a mature order of government and we should have that capability at home to make that decision, working collaboratively with our residents to make that decision on how we elect our officials.

Mr. Ernie Hardeman: But when the provincial government, the other order of government, wanted or thought that we should look at how we got elected and change that, they decided we needed a referendum. That's also a mature level of government. Don't you think in elections that somehow the people should have a say and should not have to wait to throw out the change, rather than be able to say whether the change should take place at all?

Mr. Gary McNamara: Again, we converse with our residents on an ongoing basis. Everything we do is open and transparent, whether it's changing bylaws or anything, and the intention here is obviously to have that conversation with our constituency. I believe we are mature enough to make the decision in terms of how we want to elect our people.

Mr. Ernie Hardeman: I totally agree with you about the timing of your election and the registration going to May 1, and then the balloting. I'm more concerned with the fact that they're moving up the deadline for nominations to close. In fact, we're going to have a lame duck. If we have enough people running in the election, we're going to have technically a lame-duck council from mid-July till December 1. Have you got any comments on that?

Mr. Gary McNamara: Well, obviously, again in the submission, we feel that it should be left to September. That shouldn't change. I agree with the fact that that period could be lame duck. What we need to do is to make sure that our elected officials are still very active and they're able to continue to administer good policy with their communities.

Mr. Ernie Hardeman: Thank you.

Chair (Mr. Peter Z. Milczyn): That's your three minutes.

Mr. Hatfield.

Mr. Percy Hatfield: Good afternoon, Mr. President. The proposed \$750 contribution limit is so different than the provincial limit and the federal limit. What is your opinion on having one limit, regardless what amount we determine, but to have everybody equal on how much money we can accept from a donor?

Mr. Gary McNamara: You mean, Mr. Hatfield, in terms of just municipally or everybody?

Mr. Percy Hatfield: I'd like to know if there's any chance of having a universal limit so everybody understands it.

Mr. Gary McNamara: First and foremost, we're not governed by parties, as you know, at the municipal level, so there's no central party that helps fund candidates and so forth. Our period where we can actually raise dollars is during that nomination period itself. Obviously there's a constraint there. Instead of having 100—I believe 150—some-odd days?

Mr. Craig Reid: Right; about 150 days.

Mr. Gary McNamara: The period is actually shortened. You've got to remember as well that that number—if this is going to be the new rule of law, big cities and regions—when you look at campaigns that exceed \$300,000 to \$400,000, you can see where the constraints are going to be and there should be an up-limit in terms of—and it should be uniform. A city of Toronto mayor gets the allocation of \$2,500 and everybody else gets \$750. The mayor of Ottawa and I'm sure all the regional chairs who are seeking re-election—that's going to constrain them dramatically in raising funds.

Mr. Percy Hatfield: Ranked ballots: Has that been an issue in your part of the province?

Mr. Gary McNamara: No.

Mr. Percy Hatfield: Given the choice in your municipality, what do you think council would decide?

Mr. Gary McNamara: Again, we're going to talk to our constituents and we're certainly going to have the conversation to see how they want their elected officials to be elected. But certainly, that has not been an issue in our region.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: Mr. McNamara, thank you so much for joining us here today. First of all, as I thought about your intro, you talked about the importance of clear rules and how municipal leaders are elected. I think that's actually one of the key reasons why this bill was pulled together.

One of the things you talked about also was the maturity of the municipal level of government. I guess I wanted to ask you if you could weigh in a little bit more on—do you support the measures of the bill that provide for local choice or municipal choice, such as the option to introduce ranked-ballot voting?

Mr. Gary McNamara: Yes.

Mr. Yvan Baker: And if so, why?

Mr. Gary McNamara: Again, one-size-fits-all doesn't apply. I think it's an opportunity for us to have that conversation with our constituency. We've done that on numerous occasions on anything that we do within the confines of our municipality. We have that conversation with our residents. For us, it's a guiding principle as well because we're there to represent the best interests of our residents. In my opinion, that's why we feel there should be that ability to have the choice.

Mr. Yvan Baker: I agree with your points you just made, but also the points you made earlier around why a referendum is not required, not just the point around the fact that municipalities are a mature level of government, but that our democracy functions on a basis where electors can engage. There's a consultation process mandated through this bill, but also that electors can engage with municipal leaders if they're not happy with how those municipal leaders have chosen to have themselves elected. I agree with that point.

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One of the things we heard this morning was about the need for guidance for candidates who are running in

municipal elections. The ministry, I know, has produced a Candidate's Guide for elections, and it includes a section on campaign finances etc., and there's a Q&A. I know the minister's regional staff also provide information and guidance to clerks, candidates and the public.

I was wondering if you could share—I know we've only got about 30 seconds—whether AMO has any experience with candidates inquiring about these rules, and whether you provide any guidance to those candidates.

Mr. Gary McNamara: We advocate on behalf of them, obviously, but we're also a source of information to help guide a lot of our councillors and mayors. We have various programs that we initiate throughout the year, pre- and post-elections, and opportunities to guide our elected officials and make sure that they make the right decisions.

Mr. Yvan Baker: Okay. Thank you very much.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. If you do have anything further that you want to provide in writing, then the deadline is 6 p.m. today.

Mr. Gary McNamara: Thank you, Mr. Chair. Our submission is in. It was basically at the conclusion. But I want to take this opportunity to thank the committee. Good luck.

The Chair (Mr. Peter Z. Milczyn): Thank you.

MS. GLORIA KOVACH

The Chair (Mr. Peter Z. Milczyn): Our next witness is Ms. Gloria Kovach. Good afternoon. You have up to 10 minutes for your presentation, and if you could please state your name for the official record as you begin.

Ms. Gloria Kovach: Thank you for the opportunity to speak to committee today. I'm Gloria Kovach. I had the honour of representing the citizens of Guelph as a Guelph city councillor for the past 24 years. I retired from Guelph city council by not reoffering in the last municipal election, so I have no biases as I speak before you today. I am also the president emeritus of the Federation of Canadian Municipalities, also known as FCM.

I speak to you today as a citizen with diverse experience in the electoral process, locally in Guelph, throughout Ontario, nationally and internationally.

I love municipal government. I'm sorry, Mr. Chair, but I have to give it a little plug: It is the closest to the people. You can meet someone in the morning in a coffee shop and effect change in their life by noon. Our decisions affect our constituents 24 hours a day, from providing clean water when you wake up in the morning and brush your teeth, to water to drink, to waste water capacity, to emergency services, to local parks, culture and recreation, to various transportation needs, to economic development and social services, and the list goes on and on.

Municipalities are a responsible order of government, and it is essential for them to have a Municipal Elections Act that works and allows them to hold modern elections in a way that suits their cities and communities. Municipal

elections are the democratic cornerstone of our local governments.

I have done extensive work over the past 24 years on increasing public awareness and participation not only in Guelph but around the world. It is a fundamental belief that public engagement is essential to our democracy. As municipal councils, we welcome discussion and civic engagement on local issues.

I want to acknowledge that there are some positive ideas in Bill 181, but what I fail to understand is how anyone could even consider supporting a bill that takes away democracy by allowing a government to change the way they are elected themselves, without the requirement to consult the people.

Take Guelph, for example. They first held a referendum via ballot in 1988, on the issue of changing from an at-large voting system to a ward system. There was resounding support for that change. The change came into effect in the 1991 municipal election. It didn't cost any extra money to do this, and we heard what the citizens wanted. Yes, there were some unhappy people after it. However, even they recognized the democratic process that had brought about this change.

Given feedback over the years, and some public debate regarding the ward system and its effectiveness, the city of Guelph then placed a question on the 2006 electoral ballot regarding the effectiveness of the ward system and if there was a desire for change. Council received the feedback, through this referendum, from the people they represented. They were resoundingly satisfied with the ward system, and I believe it was just over 83% in favour.

I understand that Oshawa, in 2014, also had a question on the ballot regarding a ward system. Those people also spoke with resounding support to change an at-large system to a ward-type system.

It is of real concern to me that in this proposed bill there is no requirement for municipalities to hold a referendum or even do the public consultation before changing the voting system. Essentially, the way the proposal as I understand it is written, politicians can make changes to the electoral system whenever they choose. You would hope that they wouldn't make these changes to benefit themselves and put them in a conflict of interest; however, one truly never knows unless these changes are the result of a democratic process.

The second concern for me is that while this bill shortens the municipal campaign period by starting it later, it oddly makes a change that would result in a longer active campaign. We have all seen voter fatigue over the years from long campaigns, and the additional cost to taxpayers is, quite frankly, unnecessary and a waste of money.

I have been involved extensively with women across the country on increasing women's participation in local government. One of the barriers that I heard time and time again was the cost and financial concern of campaigns. The consequences of extending an active campaign period may indeed negatively impact diversity on municipal councils.

While 13 weeks of advertisements, signs, debates and fundraising is well exhausting for the general public, it has a far bigger impact on persons who are required to take a leave of absence to run for municipal office. These aren't just municipal employees—or perhaps volunteer firefighters, as I know this committee has heard in the past. There's often people who work in other industries who are required to take that time off during an election campaign. It's just prohibitive. It will be a barrier and it will discourage good people from running for office. I would respectfully request, and I concur with President McNamara, that you keep the active campaign period status quo, commencing in September.

I have worked through many periods of lame-duck councils. It can be gruelling. People demand representation on local issues, and so they should. Increasing the active campaign period does not serve the people of Ontario well. It only forces municipal councils into inactivity on numerous issues, and it's the constituents who suffer.

Thank you for the opportunity to share with you today the knowledge I have gained from my many years in municipal government. I trust that my first-hand experience will help inform your deliberations and the significant decisions you are charged with making to ensure the democratic process in our cities and communities.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. We'll start this round with Mr. Hatfield.

Mr. Percy Hatfield: Good afternoon, Gloria. Good to see you again.

Ms. Gloria Kovach: Good to see you.

Mr. Percy Hatfield: I guess our experience in Windsor on the ward system—we changed ward boundaries. We went from five wards to 10. We did it without a referendum. Everybody seemed happy. We chose to take fluoride out of the water without a referendum—I'm not saying it was a good decision.

Mr. Tim Hudak: How'd you vote, Percy?

Mr. Percy Hatfield: We won't go there.

But I know the referendum in Kitchener-Waterloo was nasty and expensive. I think it was decided by one percentage point. So referendums on paper—there's good and bad about them. Could you help me out in explaining more about your feeling on the necessity of a referendum before going to a ranked-ballot system?

Ms. Gloria Kovach: Certainly. Well, on the issue of a referendum, it can be done quite inexpensively if it's done in conjunction with an electoral process. These things take time to change. As you well know in provincial government, these kinds of things don't happen overnight. It can be planned for. It can be put on the ballot, so it can be financially not prohibitive.

Then you hear from the people who are going to the polls, people who are engaged in the electoral process. I can tell you from my experience on municipal council—how can I say this?—that often you see the same people in public engagement, perhaps people who are fortunate enough to have the time to attend meeting upon meeting. It is the people who go to work every day and who are

working hard and raising their families who can't get out for the public consultation period to help inform council. So I believe that a referendum-type situation would really inform the council to make the decisions and would really be the voice of the people. It's the only true way that you're not listening to a special interest group.

1430

Mr. Percy Hatfield: Would you need a referendum to decide whether to ban corporate and union donations as well?

Ms. Gloria Kovach: I can't speak for all municipalities. I know our municipality does not allow that, so we are actually not allowed to take corporate or union donations. My personal feeling, if you're asking me—and I'm not sure if you are—is that it should be banned.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you very much for being here, Ms. Kovach, and thank you for your years of dedication at municipal government. That's where my roots started. It is the closest level of government to the public.

I want to follow up on Mr. Hatfield's questioning about the referendum piece. If a municipality so chooses to go down that road—because you know they have a choice; council has a choice.

Ms. Gloria Kovach: Yes.

Mr. Lou Rinaldi: In the regulations which will follow this—actually, they'll probably be posted even before the bill is passed for people to see—there will be a requirement for some type of consultation to engage with the public to get some input on whether that's where they want to go. It's not a referendum, but some type of consultation. We feel that referendums are a fairly cumbersome process. I've been through one of them, for a stupid issue, frankly, and that's my opinion.

I'll look for your answer for that, but the other piece is—and I'm sure you were in government where there was massive restructuring of municipalities in Ontario. I was one of them, mayor at that time. We had four hours of consultation here at Queen's Park and never talked to the public. Do you think there should have been a referendum back then?

Ms. Gloria Kovach: I'll speak to your first question. It doesn't have to be onerous, the issue of a referendum. As I understand the bill—and I apologize if I misread the proposals, but I don't see a clear indication for a mandate for an extensive public consultation prior to allowing a municipal council to change the way the electoral system goes forward for the municipality. That is a concern to me.

I have worked with many, many super people in our city and our province, nationally, internationally, with great intentions and focused on constituents. But I have to say, sir, that I've also worked with people whose intentions, perhaps, aren't quite as honourable. My concern is that you would confuse the public by changing an electoral system at anyone's whim, depending on the makeup of a council. While, as my colleague said,

municipal councils are not party-based specifically, there are people who generally have an interest in politics and throughout the years may develop affiliations. There can be a tug of war, and really, it should be about the people in the municipality and it shouldn't be party-line-based.

I do believe that there should be extensive consultation, there should be education of the public, and I do believe the public has a right to say how they want their elected officials to be elected; I truly do. On the other—

The Chair (Mr. Peter Z. Milczyn): I'll cut you off there because you've used up the three minutes.

Ms. Gloria Kovach: Sorry.

Mr. Lou Rinaldi: Thank you.

The Chair (Mr. Peter Z. Milczyn): Mr. Hudak has a question.

Mr. Tim Hudak: Thank you, Ms. Kovach. It's great to see you again. You're right: Of course there should be a referendum when it comes to changing our voting system. We're talking about a fundamental shift in "Whoever gets the most votes wins" to a complicated algorithm where you throw votes into a black box, where sometimes the third vote counts, sometimes the third vote doesn't count; sometimes your second vote counts, sometimes it doesn't. There's continuous ballots, there's an exhaustive ballot, there's ballots that count. It's confusing. No wonder it disenfranchises people in minority communities, low-income communities—and quite frankly, it rewards incumbents. So you're darned right, people should have a say in their electoral system.

Ms. Gloria Kovach: If that's a question, I can—

Mr. Tim Hudak: Right or wrong?

Ms. Gloria Kovach: I agree with you, sir. I can actually tell you from a concrete example from Guelph—actually, we've had many examples. We seem to have very interesting councils in our community made up of very interesting, dynamic people. One of the things we have in our council—we have a ward system. We have six wards in the city of Guelph—the mayor is elected at large—six wards, two councillors per ward. It's a large council, but I won't go there.

When you talk about algorithms—what a nightmare. I spend a lot of time educating people in my ward that there are two councillors elected per ward. They can't seem to—"But I want you, Gloria." "But you also get a second choice." So they go through that, like, "Okay," or, "You don't have to have two. You can choose one, or you can choose two." I have to tell you, that concept is difficult for a number of people.

What we've had in the city of Guelph—oh, we've had recounts, and they are nasty. They go before the court, and the judges are deciding the process of redistributing the ballots. In one case—I can't say for sure how many elections ago. It wasn't this previous election because, of course, I wasn't in it, but I do believe it was probably two elections previously. We had such a discrepancy in the voting—and this is with two councillors per ward—that there was a recount, and then there actually was a draw of a name out of a hat, because it was an exact tie.

I cannot imagine the confusion for the public when you're considering all these algorithms about who wins and how they win and—

Mr. Tim Hudak: You mentioned the coffee shops and such. Has anybody come to a coffee shop and said, "You know, Gloria, what we really need is for my third-place vote to count."

Ms. Gloria Kovach: No, never. In fact, this committee—I think you're doing a really good job at raising some awareness in the public. I have to tell you that when I was visiting a seniors' home just yesterday—and I didn't actually say I was coming here today—there were some elderly people who said to me, "What is this ranked system? I don't understand. You mean we have to say who we want, and then who we may not really want but if we had to take them, we would? Then does that person maybe get in over the person I want?" Trying to explain that was extremely confusing.

I have to say that in municipal governments, people vote for the person. They vote for that person they want. It's not the party base that you've become used to.

You know what? I don't say, in provincial or federal governments, that people don't vote for the person either, because they obviously sometimes do, versus the party. But in municipal government, it's the person they're looking at. That's who they want to represent them. That's the person who touches their lives. That's the person who lives next door. That's the person who, when they pick up the phone, answers their phone calls, writes their letters, helps out in the schools and does that.

So it is about the person, not the second or third choice that may come up through some algorithm, and then they're surprised—"How the heck did that person get there?"—because that was everybody's third and fourth choice.

The Chair (Mr. Peter Z. Milczyn): Thank you. Thank you very much for your long service to the people of Guelph. Thank you for coming this afternoon.

Ms. Gloria Kovach: Thank you.

The Chair (Mr. Peter Z. Milczyn): If there is something you'd like to submit in writing to the committee, you have until 6 p.m. today.

Ms. Gloria Kovach: I thought I would save you a tree, sir, and so I would just make my points.

The Chair (Mr. Peter Z. Milczyn): Always good.

Ms. Gloria Kovach: Thank you very much.

ONTARIO NONPROFIT NETWORK

The Chair (Mr. Peter Z. Milczyn): Our next witness is Ms. Cathy Taylor. Good afternoon.

Ms. Cathy Taylor: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Ms. Cathy Taylor: Great. My name is Cathy Taylor. I'm the executive director of the Ontario Nonprofit Network. This is my colleague Liz Sutherland, who is our policy adviser on this file. Thank you very much,

Chair, and members of the committee, for listening to our submission today.

I'm here on behalf of the Ontario Nonprofit Network. We're a network of Ontario's 55,000 non-profits and charities in this province. We are a non-partisan network that helps them advocate on behalf of the issues they face.

First of all, we applaud the government of Ontario for introducing Bill 181, but we're here to raise some concerns about elements of the bill that would prevent non-profits from participating in non-partisan, issue-based advocacy during municipal election campaigns. A copy of our submission, I believe, has been handed to you.

As you know, non-profits and registered charities are non-partisan entities. They engage in municipal issues not for personal or corporate gain—in fact, their corporations law doesn't allow them to have personal or corporate gain—but to advance the public good. Local non-profits bring the voices often of marginalized communities to the table. By doing so, their participation in public debate advances the cause of democracy. Hearing from these groups and the people they serve helps municipalities serve their residents.

Given this role that non-profits play, it is not appropriate that non-profit grassroots work should be labelled as third-party advertising, which is the issue in Bill 181. Applying this label is a misrepresentation of the role of civil society, and requiring registration for all public policy advocacy activities that incur direct, or even indirect, costs—from the first penny—is an unreasonable administrative burden for non-profits.

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We are asking for your consideration of three amendments. The first two work in tandem, and the third is a stand-alone point.

Our first recommendation is that you establish a non-partisan small-spender category that exempts eligible organizations that spend under \$1,000 in a municipal election campaign from having to register as a third-party advertiser.

Our second recommendation is to redefine the definition of “advertising” so that it focuses on the direct costs for election-related purposes, like paid advertisements in print and social media, and not indirect costs, such as website hosting and routine public communications like newsletters.

Under Bill 181, section 88 of the Municipal Elections Act would require non-profits, because they are legal corporations, to register as third-party advertisers before they can engage in public policy advocacy during municipal election campaigns. Again, it's non-partisan political advocacy. Examples would be advocating for a new sports facility or better fields or a new arts centre.

Bill 181 introduces a definition for “third-party advertising” that includes not just billboards and newspaper ads, but low-cost public communications such as flyers and e-newsletters. Any communication from a non-profit that incurs any cost, directly or indirectly, falls under this definition as the act is currently worded, as long as the

audience goes beyond an organization's own staff and members. Any non-profit that allows non-members, such as donors or the general public, to subscribe to their e-newsletter would have its communications labelled as third-party advertising under the act if it simply paid for web hosting and included an article about local housing, child care spaces or environmental issues that might be top-of-mind in the municipal campaign. This definition of “advertising” is unnecessarily broad. It would have a significant impact on the way community groups can work during the election campaign window.

Given the recent end of the federal advocacy chill where non-profits actually stopped participating in public policy debates for fear of Canada Revenue Agency audits, the last thing non-profits need is a new chill that this bill could start and that we could expect with Bill 181.

For example, we know what happened in British Columbia in 2009, after the government there introduced election advertising rules similar to the provisions in Bill 181. These rules created confusion and anxiety for small spenders during the next provincial election. Some organizations censored themselves to avoid the risk of being labelled a third-party advertiser under the new law. They were concerned that their low-cost advocacy activities—even maintaining their website—could result in a fine if they did not register as a third-party advertiser. Because registration and reporting was perceived to be onerous, many small organizations just simply opted out of the public debate.

I bring up this example from the west coast because the elements of Bill 181 that we are concerned about are based on the BC law in question. That law is currently before the Supreme Court of Canada, subject to a charter challenge concerning the fact that there's no minimum dollar amount that the organization has to spend before being required to register. The contention in the court challenge is that this wide scope is an unjustifiable infringement on our freedom of speech. Some of you will have heard that the BC Supreme Court called that law's definition of “advertising” overly broad.

We also know, from a previous court challenge, that the Supreme Court of Canada has accepted limits on third-party spending only when these limits further the goal of equality. It seems to us that putting up barriers to grassroots participation in issue-based advocacy does not further the goal of equality.

We feel strongly that Bill 181 must leave open a window for non-partisan small spenders to participate in public policy debate without dealing with the onerous requirements of registration, tracking and reporting.

We think it makes sense to follow the lead of the Canada Elections Act, which permits third parties to spend up to a low threshold during each election without having to register. The limit is \$500 at that level, but that amount has not been updated for 13 years, and it's not connected with the cost of living, so we're suggest a threshold of \$1,000 for non-partisan small spenders. Whether or not the definition of “advertising” is amend-

ed, this would allow community groups to maintain their websites, engage in social media and mobilize around local issues using techniques such as flyers and town halls, without having the register under the act.

Finally, our third recommendation is that, regardless of whether a municipality decides to allow or ban corporate or union donations, non-partisan, small-spender campaigns should be permitted. Section 54 of Bill 181, for some reason, creates a link between the right to engage in public communications and the right to donate money to candidates. We think that link is separate; that should be severed.

The way the bill is currently written, in any municipality that exercises its right to ban corporate and union donations, it would be illegal for third parties to spend any money on advertising during the election campaign window. If we think about that in the context of the overly broad definition of “advertising,” which includes both direct and indirect spending, what this would do is effectively silence non-profits entirely in these municipalities, whether they were willing to register or not, as they could legally incur no expenses for communications during election campaigns in these municipalities. In other words, these non-profits would have to fall silent for six months every four years.

It is very troubling to think that in those municipalities, non-profits would be subject to fines for having even raised an issue such as homelessness, the need for more child care spaces, the quality of our sports facilities or other local issues during a campaign.

There is no good reason for linking the right to participate in public policy debate with the ability to make partisan donations to candidates. The consequence of this provision in places where municipalities did proceed with corporate and union donation bans would be significant in terms of silencing grassroots groups.

To summarize, we strongly urge you to consider the role of non-profits in the democratic process and to take care not to put up barriers to participation for community groups that we all rely on to be our eyes and ears on the ground in all of our public policy work—municipally, provincially and federally.

You’ll see in your package that we put together an infographic with Samara Canada about the role of non-profits in democracy. We hope you can gain some insight from that infographic.

To reiterate our key recommendations, we request:

- that you create a non-partisan, small-spender exemption from the requirement to register for third parties that spend under \$1,000 during a municipal election campaign;

- that you refine the definition of “advertising” under the act so that it encompasses only the direct costs of advertising for election-related purposes, such as the cost of paid advertisements in print and social media; and

- that you allow third parties to undertake non-partisan, election-related activities up to the small-spender threshold, even in those municipalities that have chosen to ban corporate and union donations to candidates.

Thank you, Mr. Chair and members of the committee, for allowing us time to present. I’m happy to answer any questions.

The Chair (Mr. Peter Z. Milczyn): Thank you. We’ll start this round with the government. Ms. Hoggarth?

Ms. Ann Hoggarth: Thank you very much for your presentation. As a government, we recognize how important non-profit groups are and the role they can play—an important, valuable role—in dialogues at work in our municipal elections.

In your view, how can the non-profit sector participate more effectively in municipal elections?

Ms. Cathy Taylor: That’s a great question. I think that the benefit of a strong non-profit sector, particularly in municipal elections, is that they’re often the people on the ground. They’re running the food banks; they’re in charge of the sports organizations; they’re managing the theatre groups. They will have a first-hand account of what the community needs are. They will understand where the gaps are. They will be able to help educate people running for municipal office—that one section of the community is lacking a pool and another area of the community needs economic development.

The chamber of commerce is a non-profit as well, as are most business improvement associations.

All of those organizations have incredible data, intelligence and experience to be able to showcase to municipalities and to candidates what’s happening in their community so that, ideally, municipal candidates can do a much better job when they’re in the governing position.

Ms. Ann Hoggarth: My additional question would be: If, for instance, several non-profits were willing to put up \$1,000, they could do different advertising and each get \$1,000, which would influence—the more groups that talked about the same issue, the more they would influence the election.

Ms. Cathy Taylor: Up to \$1,000.

Ms. Ann Hoggarth: Are you saying that if they all wanted the pool in the south end of the city, they would all have to be together and spend \$1,000? Or are you saying that each of those non-profits could spend \$1,000 and that may be \$10,000?

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Ms. Cathy Taylor: Right. That’s an excellent point. Certainly we would be saying that each non-profit would have up to \$1,000 to spend on advertising. I’d reiterate that it’s non-partisan advertising, so it’s not endorsing candidates; it’s not saying that this candidate is better than another. But flyers saying that we need a new pool in this neighbourhood? Absolutely.

In each community, the number of non-profits that are actively engaged in municipal elections is very low. We don’t anticipate that there is going to be an increase in the number that are already engaged, but we just anticipate that this bill would create barriers to the ones that are already engaged.

Ms. Ann Hoggarth: But what happens if councillor such-and-such has run on getting a new pool in the south end?

The Chair (Mr. Peter Z. Milczyn): That's your time. Sorry.

Mr. Hudak.

Mr. Tim Hudak: Ms. Taylor, another great presentation. You're always very well prepared and broad-based in your recommendations.

This is an issue that I think a lot of us face in our ridings, and I'm confident it will be in my next one. Along Ms. Hoggarth's questions, there's a big arena project, and I think next election, there will mayoral candidates and councillor candidates who are very clearly pro or against the big investment. Walk me through what you think the best approach would be for not-for-profits who want to be, let's say, pro-arena, in terms of caps on spending, which the bill doesn't speak to, and then when they would have to register and any other restrictions. They'll have lawn signs, they'll have brochures that may not endorse candidates, but they'll do so indirectly because they'll endorse the project.

Ms. Cathy Taylor: Certainly non-profits in a healthy democracy should have a right to say what they think is needed in their community. If they're a soccer organization and there's a field that needs to be updated, or a hockey organization and there are not enough arenas, those are the constituents you want to hear from because they have lived experience that those are the things we need.

Spending up to \$1,000 is not going to buy a whole lot of lawn signs. It's not going to buy you a full-page ad in even a local, small paper. It's a really insignificant amount. What it will allow you to do is to do some flyers and to go to all-candidates' meetings. I think non-profits know that the best way to advocate at a municipal level is to meet all of the councillors one-on-one, which is outside of advertising anyway, and to make their case around the issue.

I think the real difference is that non-profits and registered charities don't exist for private or corporate benefit. They're not making any money off of their position; they're there to provide for the public benefit.

Mr. Tim Hudak: They can influence an election campaign, though. Would you think there should be some caps on how much they could spend? For example, a well-financed group can spend \$20,000 or \$25,000, which would be huge in some—

Ms. Cathy Taylor: Well, we're saying that they'd have to register as a third-party advertiser and adhere to all of the rules. What we're concerned about is the small, grassroots group that can spend up to \$1,000 without having to register. Otherwise, the third-party advertising rules would be in place for that very reason.

Mr. Tim Hudak: For caps?

Ms. Cathy Taylor: Yes.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: I just wanted to say that we've heard similar things about being able to spend, and it has to do with everyone when it comes to the registration. You can't register on May 1, and the fact that you can't even set up a website—

Ms. Cathy Taylor: Right, for candidates.

Mr. Ernie Hardeman: —or buy postage stamps to send out a mailer to see if you can encourage people to join your cause prior to May 1, because that would be spending money and you haven't registered. I think there is a need to look at some way of putting something in place, as you say, at a minimal amount to facilitate that being able to spend money even though you're not part of the race yet, because you haven't even decided whether you're going to be part of the race, so that you can actually get involved and have your voice heard.

The one suggestion, of course, is that if you were doing that as an individual and it wasn't partisan, you can do it all.

The Chair (Mr. Peter Z. Milczyn): That's your time. Mr. Hatfield.

Mr. Percy Hatfield: Good afternoon. Welcome. Can you give me examples of the last municipal election and some advocacy that the non-profits may have done that you fear they would not be allowed to do if this goes forward?

Ms. Cathy Taylor: Sure. A couple of great examples would be around accessible bus passes, which is a municipal issue. Accessibility organizations and committees for accessibility in communities would certainly advocate to their councillors that they want to make sure that there's a reduced rate or accessible bus passes. That's the type of thing where there wouldn't be a lot of advertising money spent. It would really be putting together a flyer or their packages and being able to meet with councillors and talk to the media about why there is the need for accessible bus passes.

Another example could be about the building of a park or the designation of lands around a community space or a community park. The most popular one that I think we're seeing is around poverty. Most communities have an anti-poverty coalition or a poverty elimination task force, usually made up of people with lived experience, as well as local leaders like United Ways and other organizations. They would certainly be advocating for a council to have a plan to reduce poverty.

Mr. Percy Hatfield: Is your organization seized with just this one issue on the third-party advertising, or are there other elements of the bill that you'd like to speak on as well?

Ms. Cathy Taylor: It's particularly this area that affects the non-profit sector, so our comments are specific to that area.

Mr. Percy Hatfield: And of the \$500—was it \$500?

Ms. Cathy Taylor: Well, we're recommending \$1,000. They've used \$500 at the federal level, which was a number of years ago. We know from the BC studies that most non-profits that are involved in municipal spend around \$500, so we're recommending \$1,000.

Mr. Percy Hatfield: All right. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for your submission this afternoon. If there's anything further in writing that you'd like to provide to us, you have until 6 p.m. today.

Ms. Cathy Taylor: Great. Thank you so much.

MR. JUSTIN Di CIANO

The Chair (Mr. Peter Z. Milczyn): Our next witness is Councillor Justin Di Ciano. Good afternoon, Councillor.

Mr. Justin Di Ciano: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): Congratulations on the latest addition to the family.

Mr. Justin Di Ciano: Thank you, Mr. Milczyn.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation. At the start, if you could please state your name for the official record.

Mr. Justin Di Ciano: Great. Thank you. Good afternoon, committee members. On behalf of the city of Toronto, thank you for the opportunity to address with you our concerns on Bill 181. My name is Justin Di Ciano, Toronto city councillor for ward 5, Etobicoke-Lakeshore. I come before you today as one of three members of council appointed by Mayor Tory to review, develop, and provide input to the province's municipal legislative reviews. To my right is Bonita Pietrangelo, who is the director of election services for the city of Toronto.

I am here to speak specifically to the city of Toronto's concerns with respect to our review of the Municipal Elections Act passed by city council on September 30, 2015.

Efficient and effective municipal elections are critical to our local democracies, and nowhere is this more important than in Toronto, Canada's largest city. During Toronto's last municipal election, voter turnout was over 50%, with almost one million votes cast. As Canada's most diverse city, with over 100 languages spoken, residents have a significant stake in the changes made to the Municipal Elections Act. It is important that any potential changes build on the successes of our electoral process of the past 100 years by continuing to ensure that voting is kept simple, and most importantly, residents' right to vote continues to be fully exercised.

Of particular concern in Bill 181 is that Toronto city council's recommendations to not move forward with amendments that provide for ranked-choice voting were not addressed. After a thorough academic review of all nine municipalities in North America that use ranked choice voting, or RCV, Toronto's position remains unchanged that ranked-choice voting suffers from a number of democratic shortcomings which cannot be overcome.

Contrary to what Torontonians and the broader public have been led to believe, ranked choice voting does not guarantee a majority result. RCV is a plurality system, just like first-past-the-post. The federal United States Court of Appeals for the Ninth Circuit has gone as far as ruling that ranked choice voting is not a majority system and in fact remains a plurality system.

Under our current first-past-the-post system, every ballot is counted, every voice is heard and the candidate with the most votes wins. Under ranked choice voting, the winner is defined as the one who wins the majority of what are called "continuing ballots." This means if a voter uses all of his or her three rankings on candidates

who do not have a chance of winning, that ballot will be exhausted and not part of the continuing ballots. The city of Toronto strongly believes that all votes matter. A majority is defined as 50% plus one of all votes cast.

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As a real-world example, in the 2010 San Francisco district 10 municipal election, 18,303 people voted under ranked-choice voting. Immediately, 500 people made mistakes and spoiled their ballots. After 20 recounts, it was reported that Malia Cohen beat Tony Kelly by a margin of 53% to 47%. Out of 18,303 votes cast, Malia Cohen received 4,321 votes, or 24% of the vote; 9,503, or 52% of all ballots cast, were exhausted. In other words, 52% of voters' voices were eliminated from the election results. Simply put, you don't need to get a majority to win.

After further election analysis of the nine municipalities that continue to use ranked choice voting in North America, the city of Toronto remains concerned about the results RCV had with respect to lower voter turnout, drastic increases in error ballots by disadvantaged, ethnic and elderly voters who could not understand ranked-choice voting, and the cost to administer a system that, by all official accounts, requires massive education campaigns before each and every election, and hard data shows that it has produced significantly lower voter turnout.

Further review of the RCV election results in the United States over the past 15 years shows no substantive evidence to suggest that ranked choice voting helps elect more women or minorities to public office. Since RCV was established in San Francisco in 2005, the number of elected female supervisors has dropped by 20%.

There is further empirical data from all nine municipalities which directly challenges the argument that ranked-choice voting reduces strategic voting and negative campaigning. A quick Google search into any recent RCV race will result in multiple media articles that shows strategic voting and negative campaigning are alive and well in RCV elections.

If the committee does not remove these provisions, Toronto city council strongly recommends that the committee preserve the language in section 31 of Bill 181 that makes ranked ballot voting optional, and that it only be permitted after holding public consultations. A feature Toronto city council would like specified in the bill is the requirement for a local referendum before ranked ballots can be implemented.

Another request of Toronto city council is to allow permanent residents the right to vote in municipal elections. Toronto's permanent residents are active members of our communities, contributing to Toronto as property taxpayers without representation. While there are a number of legislative and administrative changes needed to achieve this goal, the city of Toronto suggests that amendments to the MEA can start the process that will enfranchise a large segment of the population.

In addition to these items, Toronto city council requested changes that would improve electoral adminis-

tration, accountability and potentially increase voter turnout. The city recommends changes to nominations and the nomination period as follows:

- that the final date to register as a candidate be one week before the final date to withdraw;

- that only residents whose principal residence is in Toronto should be eligible candidates in Toronto.

- clarify section 45 of the MEA to require condo corporations to allow public access to voting places in their condominium; and

- in respect of proxies, the MEA should be amended to meet our shared accessibility goals. Specifically, the committee should amend the MEA to ensure that persons with disabilities who cannot attend voting places can assign their proxies to family members not eligible to vote in Toronto.

Toronto city council also requests that the province review proxy voting procedures as a whole.

Toronto city council also requested a number of changes to campaign financing, none of which are reflected in Bill 181:

- not counting the HST toward campaign spending limits;

- allowing candidates who have been subject to a compliance audit or compliance audit request to re-open the campaign for fundraising purposes to recover these costs; and

- increasing spending limits to reflect the true costs of running campaigns in Toronto and establishing a formula to increase limits annually based on cost of living.

Finally, Toronto city council requested the following changes related to compliance audits:

- extending the process to 60 days from 30 days to ensure sufficient time to respond to a compliance audit application; and

- authorizing the compliance audit committee to award costs when they dismiss a complaint.

I understand that city staff continue to work with the province on potential long-term improvements to the voters list, and that future regulations may address city council's requested changes related to candidate fees and possible refunds.

As contemplated in the Toronto-Ontario Co-operation and Consultation Agreement, we look forward to working with the government on future initiatives related to the MEA to ensure that voting is kept simple and, most importantly, that residents' right to vote continues to be fully exercised.

Thank you for your time, and I look forward to the committee's consideration of these issues or any questions you may have.

The Chair (Mr. Peter Z. Milczyn): Thank you very—

Ms. Ann Hoggarth: Point of order.

The Chair (Mr. Peter Z. Milczyn): Yes, Ms. Hoggarth?

Ms. Ann Hoggarth: I'm sorry to interrupt. I just wanted to know: At the beginning you said you—

The Chair (Mr. Peter Z. Milczyn): No. Excuse me, Ms. Hoggarth. You're not asking questions now.

Ms. Ann Hoggarth: Okay. Never mind. Sorry.

The Chair (Mr. Peter Z. Milczyn): You'll be able to ask your questions when it's your turn.

Ms. Ann Hoggarth: Well, it's not that kind of question.

The Chair (Mr. Peter Z. Milczyn): Do you have a point of order?

Mr. Tim Hudak: Try it.

Ms. Ann Hoggarth: I just want to know if Mr. Di Ciano is representing all of Toronto's councillors. Were you sent here by council?

Mr. Justin Di Ciano: Yes. Council, in October—

The Chair (Mr. Peter Z. Milczyn): Hold it. Sorry, Councillor. That's not a point of order. You're entitled to ask that question when it's your turn.

We'll start with the official opposition. Mr. Hudak?

Mr. Tim Hudak: Thank you, Councillor Di Ciano, for a very informed presentation. I know you've done a lot of research on this. The small group of people who support ranked ballots tend to say that it's widespread across the world. What's the actual case? How often are ranked ballots used?

Mr. Justin Di Ciano: To be technical, there are 11 municipalities that have the ability to use ranked-choice voting. There are only nine municipalities in North America that use it, San Francisco being the largest. They are probably a tenth of the size in terms of voter turnout that Toronto is. And out of those nine, two of those municipalities had less than 1,000 people vote for mayor in their last election.

Mr. Tim Hudak: So it's quite a leap to say that this is a tried and true and tested method of electing councils, especially for cities of Toronto's size?

Mr. Justin Di Ciano: Yes. I mean, if you were to ask Bonita what it's going to take to undertake something like this for a city of our size, I'm sure she could speak to the complexities as the cities get bigger.

Mr. Tim Hudak: The disenfranchising, as you mentioned, particularly of minority communities, seniors and low-income individuals: What has been the experience in the communities that have used ranked ballots? You mentioned San Francisco and Minneapolis.

Mr. Justin Di Ciano: That's a great question. For research purposes, we look at the error ballot rate. We see that in many disenfranchised communities, the error ballot rates go up 15% to 20%. What we're finding out is that a large segment of society just doesn't understand the instructions on how to use the system.

We've researched thousands of error ballots and spoiled ballots—real ballots—and seen that it's hard for certain ethnic groups to follow the instructions that are put before them.

Mr. Tim Hudak: So particularly low-income communities are most in jeopardy?

Mr. Justin Di Ciano: There is no doubt.

Mr. Tim Hudak: And the position of the city of Toronto, to make sure I'm clear about this, is that if the

province were to go ahead with this, you want to see broad public consultation and a referendum in the municipality before it could change?

Mr. Justin Di Ciano: Without a doubt. The city needs to undertake true public consultation, so that we actually go out and register with the broader public, to understand what they truly think of the system. Then, after you get public consultation, I think a system like this, which is fundamentally changing the way in which we elect people—ultimately, I think the people should decide, and council took that position last year.

Mr. Tim Hudak: Supporters of ranked ballots also say that you have to get 50% plus one to win. Would you agree with that statement?

Mr. Justin Di Ciano: Absolutely not. It is only 50% of the continuing ballots. In a 20-member race, if you weren't able to successfully guess or choose the two people who ultimately were going to go in the final runoff, your vote is exhausted. It's eliminated.

Today, when we watch CP24, you see first place, second place and third place. If a million people voted, the three candidates in the race should have a million votes. With this system here, large swaths of the electorate aren't counted in the final tally. They aren't represented.

Mr. Tim Hudak: Thank you, Chair.

The Chair (Mr. Peter Z. Milczyn): The next round: Mr. Hatfield.
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Mr. Percy Hatfield: Welcome back to Queen's Park and another committee.

Mr. Justin Di Ciano: Thank you very much.

Mr. Percy Hatfield: I was only on council for seven years in Windsor, but my experience has been that municipalities tend to seek more authority from the province rather than less. So I'm interested to know why you believe council in Toronto should not be trusted with the authority to decide for itself whether to adopt ranked balloting. The option on the table is for municipalities to make up their own minds as to whether they want it or not.

Mr. Justin Di Ciano: I think at the municipal level, whether it's the city of Toronto or any city across the province, we know that on the council floor, decisions can be made very quickly and often without a lot of thought.

This is something that is fundamentally different in terms of how we are going to elect public representatives. The process to undertaking this is something that has major magnitudes—the costs associated with this, and the rights of people to vote and be heard—does their vote count? I think that's a broader issue. It's a serious issue. I don't think it's an issue that just any council, for political gain or purpose, should have the ability to make on the fly.

Mr. Percy Hatfield: Are you saying, then—I'm trying to read into it—that if somebody had a walked-in motion and nobody was paying attention, and it got adopted, then that would lock you into whatever the

motion was, ranked ballots or whatever, as opposed to the clerk or the elections officer giving you a background report and people having time to digest it and make a decision?

Mr. Justin Di Ciano: It would depend on the motion that comes to the floor, whether that motion included public consultation or we'd get a report from the city clerk. Ultimately, the city clerk—I would imagine that most municipalities would include in their motion language that would say, "Have the city clerk advise us on what it would undertake, and then come back to us with a report."

Mr. Percy Hatfield: You guys don't accept corporate and union donations in Toronto. Has that worked out well, and do you recommend it for the rest of the province?

Mr. Justin Di Ciano: I think it's certainly better in one way, but in another way, there are those who argue that it just hides who is behind the name, which company is behind the name. So in one way, you have people saying that if it's a company that donates, then you know who the company is; in the other, if it's the principal owner, then you don't know which company they are.

I have my thoughts on how to bring true transparency, but maybe I'll leave that for another day.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): The next round: Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you, Mr. Di Ciano, for being here. Just a couple of things, just to clarify for the record and follow up on a question from my colleague: We did have another city councillor this morning, who made it very clear he was here on his behalf. It wasn't clear at the beginning: Are you here on your behalf or representing the city of Toronto?

Mr. Justin Di Ciano: I'm here on behalf of the city of Toronto. I was appointed to a three-member panel of councillors, on behalf of the mayor, to look at and review the Municipal Elections Act.

Mr. Lou Rinaldi: That's okay, just to get it on the record. We appreciate the city of Toronto taking the time to do that.

I'm going to stick to the ranked ballot, because that was the majority of the focus of yours, although other suggestions were very, very valid.

There was a reversal of a decision from the previous council to this council. I spent 12 years on municipal council, although much smaller than Toronto, so I've been there. I think the province looks at that as respecting decisions of the council of the day, correct? I think I'm correct in saying that, that we do respect municipal politicians as a democratically elected, responsible level of government.

I guess what leads me to the point is that we made the decision in regulation, and we made it very, very clear: There will be a process where you have to engage the public in some way before you make the decision, or after it: it's your choice. We are working with municipalities and municipal clerks—the ministry is—to try to

create a format where there will be some sharing of information on how this could work. Once again, the municipality has to make that decision.

Do you think that giving the municipality that responsibility is something that would help, to make sure you get the right feedback from your public?

Mr. Justin Di Ciano: I think that over the past 100 years in Canada, we've had many cities try some form of ranked ballot or not, whether it's proportional representation, STV—Calgary started in 1915 and they abolished it in 1960; Winnipeg; Vancouver; all these cities have tried it one way or the other in the last 100 years.

To continue to go through this process—I mean, it is extensive. It takes a lot of resources from your public bureaucracy. Let's go through the debate once. We are here to have that debate. Let's make an informed decision, rather than a decision just on a council floor.

Mr. Lou Rinaldi: I'll just spend a little bit more time. So your position is that—

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi, that is your time. Sorry.

Mr. Lou Rinaldi: Oh, that's too bad.

The Chair (Mr. Peter Z. Milczyn): Thank you, Councillor Di Ciano. If you have anything that you would like to submit in writing to the committee, you have until 6 p.m. today to do so.

Mr. Justin Di Ciano: Thank you, Mr. Milczyn. Thank you for your time.

ASSOCIATION OF MUNICIPAL
MANAGERS, CLERKS
AND TREASURERS OF ONTARIO

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Stephen O'Brien. Good afternoon, Mr. O'Brien.

Mr. Stephen O'Brien: Good afternoon, Mr. Chair.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Mr. Stephen O'Brien: Certainly. My name is Stephen O'Brien and I am the chair of AMCTO's Municipal Elections Act Advisory Team.

Good afternoon, Mr. Chair and members of the committee. Thank you for having us. My name is Stephen O'Brien, as I said. Again, I am the chair of AMCTO's Municipal Elections Act Advisory Team, as well as the city clerk for the city of Guelph. However, I want to be clear that I am here today to speak on behalf of AMCTO and I do not bring recommendations on behalf of the council of the city of Guelph.

With me is Rick Johal, AMCTO's director of member and sector relations.

I'd like to begin by thanking the committee for allowing us to appear here today. AMCTO is Ontario's largest voluntary association of local government professionals. While the association's membership is made up of a diverse mix of public servants working in a variety of service areas impacting Ontario's communities, we also

represent municipal clerks in almost every municipality in the province.

This piece of legislation is particularly important for us. During the government's consultations on the MEA, we provided 23 recommendations that we thought would help strengthen the administration of municipal elections in Ontario. We're happy to say that Bill 181 incorporates almost three quarters of those recommendations. While we know that no piece of legislation is perfect, we think that this bill represents an important and positive step forward for municipal elections in Ontario.

Our submission was framed around the theme of modernization. We were very pleased to see that a number of changes will help clerks modernize the way that they administer elections. The bill also contains a number of positive changes to improve election administration, make elections more accessible, clarify and improve some campaign finance provisions and streamline the election calendar.

During an election, it's important for us to note that the clerk transitions from an officer of the municipality to an independent election administrator. This is a statutory obligation that is independent from their function as clerk. The most important consideration for clerks when conducting an election is to ensure that the process is fair and accessible, and that the outcome is legitimate. This role is grounded in the notion that the public confidence in the electoral system is paramount to our democratic society. Given the importance that clerks play in municipal elections, we would like to commend the government for taking time throughout its review to incorporate this type of feedback in the bill.

First, I would like to speak about the voters list. Following the last several municipal elections, one of the biggest priorities for clerks in this province has been the poor quality of the municipal voters list. As you can see on slide 4 of the presentation materials that we've provided to you, when AMCTO surveyed its members last May, 92% of them indicated that Ontario needed a new approach to the voters list. I know that several members of this committee have served on municipal councils and will be familiar with this problem.

While this bill contains a number of measures that should create small, short-term improvements in the voters list for the 2018 election, much work remains to be done. We firmly believe that the current problems will only be solved by transforming the way the voters list is constructed. We have been working with the government since the fall on its voters list working group and appreciate Minister McMeekin's commitment to fixing this problem.

While we know there is no magic bullet, AMCTO believes that there are opportunities for improvement. We know from our experience with the voters list working group that any meaningful solution to fixing the voters list must be based on a commitment from provincial ministries to do a better job of collaborating across the board and sharing the information that they retain.

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I will speak briefly to ranked ballots. AMCTO has not taken a formal position on ranked ballots, and we do not believe that it is our role as election administrators to do so. However, I would like to highlight some of the concerns that clerks have about this change. As you can see on slide 6 of the materials, more than 75% of the clerks that we surveyed indicated that if their council decided in favour of using ranked ballots for the 2018 election, they would not feel prepared to do so.

Perhaps most important around this is that public engagement and public education are the biggest challenges for municipalities that choose to opt for ranked ballots in 2018. Municipalities will need to invest resources in engaging their citizens and explaining to them how this process works. This will be even more complicated in communities across the province that elect their members in multi-member wards or multi-member contests. There will obviously be resource and time implications at what is already a very busy time, and we would encourage the province to serve as a partner and share this burden with us.

There are a range of additional factors that make ranked balloting complex from an administrative perspective and an elections administration perspective, from ballot design, logic and actual testing of the IT equipment that we use to the voting technology that's implemented in the polls. While these challenges are not insurmountable, they become more daunting the closer that October 2018 gets.

Moving from ranked ballots, I would like to talk briefly about one of the new enforcement provisions of Bill 181 that is a significant concern for us. Section 88.35 of Bill 181 states: "The clerk shall review the contributions reported on the financial statements submitted by a candidate ... to determine whether any contributor appears to have exceeded any of the contribution limits." A similar requirement exists for third-party advertising.

This is a problematic requirement for clerks. As you can see on slide 9, in our survey, 21% said that they would feel comfortable fulfilling this responsibility.

The most troubling aspect of this provision is as it relates to the clerk's relationship with his or her council and their role within the municipality. Municipal clerks occupy a unique position within local government. During an election, they take on and serve effectively as chief electoral officer for their municipality. Unlike Ontario's Chief Electoral Officer, however, municipal clerks have close working relationships with their councils, much like I am sure you have with the Clerk of this committee, perhaps.

Municipal clerks are responsible for a variety of other functions and serve as the principal procedural adviser for their councils. Put in provincial terms, the clerk is at once the Chief Electoral Officer, committee Clerk, Clerk of the Legislative Assembly and head of the Legislative Library and Research Services.

This new requirement puts the clerk in an impossible position. They must on the one hand build a positive

working relationship with council, while on the other hand monitor campaign contributions to those very same councillors—and bear in mind that we're also appointed and serve at the pleasure of our councils. While collaboration with members of council is important for the healthy functioning of a council-clerk relationship, it places the clerk in a potential conflict whenever they have to deal with election compliance.

As I mentioned earlier in my presentation, the clerk's responsibility is for administering elections, and it is a statutory responsibility that we carry. The public's confidence in the democratic process requires an election to be administered without prejudice or preference. In order to ensure that this happens, the clerk must remain truly neutral and free from political influence, focused on fairness and procedural integrity.

Moreover, most municipalities do not have electronic filing systems and may lack the IT infrastructure or staffing ability to manage the process of reviewing said financial statements.

Our recommendation would be to shift this responsibility from the clerk of the municipality to the municipality's compliance audit committee. Every municipality is required to establish such a committee, which is specifically tasked with auditing and reviewing candidates' financial statements. These bodies are better positioned to handle this responsibility within the act's current enforcement structure. They are designed to be arm's-length, with greater financial literacy, and are expressly set up to handle financial compliance issues.

In conclusion, to the committee members, AMCTO has a long-standing tradition of working with the province to ensure that municipal elections are free, fair and accessible to everyone who chooses to participate. We think that the best outcomes happen when the clerk and the province are able to work together—AMCTO and the province—in their partnership, and we look forward to continuing the tradition in the run-up to the 2018 municipal elections.

Thank you very much, Mr. Chair. I'm happy to take any questions.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. O'Brien. We'll start this round with Mr. Hatfield.

Mr. Percy Hatfield: Good afternoon. Welcome.

Just looking at one of your slides, it says that 1% of your members are very prepared for ranked balloting and 7% somewhat prepared, which leaves a great deal not even close. Should it be determined to go forward with ranked balloting in the next municipal election, how long would it take for your membership to feel very prepared?

Mr. Stephen O'Brien: Through you, Mr. Chair, I think the crux of the issue is that each community is very different. There is a lot of education that is going to be required to bring the public and the electorate up to speed on how to properly rank a ballot. We believe that it's important for the elector to understand what it means to mark, for example, "1, 2, 3." That's the big piece.

The simple answer to that is, "As much time as possible." We know that this bill is proceeding through

the standard processes. We look eagerly towards the enactment of regulations that tell us more about what that means. It's difficult to say how much time without knowing what the regulations will say.

Mr. Percy Hatfield: Currently, the suggestion is that municipalities would have the option of going to ranked balloting should their council choose. I would expect that if the clerk gave a report and said, "We're not really prepared. As you make your decision tonight, be aware that we're not really prepared and won't be prepared for a long time if you adopt this system"—I would imagine you would expect that that type of suggestion would carry some weight with your council.

Mr. Stephen O'Brien: Municipal clerks will have to evaluate and do whatever work is needed to get themselves ready for such a recommendation to their councils. We believe, again without taking a formal position, that it's probably different in every community in terms of willingness and interest on the part of municipal councils to pursue ranked balloting. We would want the ability for communities to be able to make that decision in whatever means that is, whether it's really formal public engagement, all the way through and up to a referendum. That should be a choice for municipalities to make based on what they feel is best for their communities.

Mr. Percy Hatfield: Don't answer this if you think it's unfair, Stephen, but when you filled in the questionnaire from Guelph, were you very prepared, somewhat prepared, or somewhere else on it?

Mr. Stephen O'Brien: I would rather not answer said question. Thank you.

Mr. Percy Hatfield: Thank you, Chair.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Baker?

Mr. Yvan Baker: Thanks very much for coming in and for your testimony. I want to comment on a couple of things you had mentioned and then ask a couple of questions, time permitting.

One thing you talked about, which I can completely understand, is this idea that clerks would want support or need support with a ranked ballot, should a ranked ballot go forward. I know there are a number of things that the ministry is currently doing to engage with clerks around the ranked ballot initiative, but I'm pretty confident that in the future, should this go forward, should this bill be passed as is, the ministry would continue to provide that support and that there would be an educational campaign attached to that. That's one thing I wanted to highlight in terms of the support point that you had raised, or the point around the need for support.

The other thing that I wanted to highlight—and I appreciate the survey that you've done and the effort you have taken to pull this together. Similar to Mr. Hatfield's point, my hope would be that if a clerk feels that his or her municipality is not prepared—if they're at the bottom part of this graph, which is the majority, currently—they would feel that the elected officials who might otherwise want to go ahead with the initiative would consider that pretty significantly in their considerations around the

decision as to whether to move forward. Again, I just want to highlight that this is an option. This would be optional under the bill; it's not a mandatory initiative.

What I did want to ask you is this: Do you believe that municipal clerks are an important steward of accountability in municipal elections?

Mr. Stephen O'Brien: Through you, Mr. Chair: Absolutely, 100%. As I alluded to in my commentary, our chief goal when we put on that returning officer hat is to ensure that elections are fair, accountable, transparent and legitimate at the end of the day. We recognize the fact that the province will be potentially working on educational materials, and that's very valuable. And the association has been involved very heavily with the ministry on the ranked ballot working group, so that has been much appreciated.

The other aspect is that the results of the survey highlight the fact that we still quite don't know what it means yet. There's a lot that goes into the nuances of managing an election, and I alluded to it: logic and actually testing of some of the equipment we use. Municipalities have been at the forefront of advancing technology in the election world, Internet voting being a really good example. We would need to make sure that the tools that we use are able to actually logically count and tabulate the results of an election. So until we see regulations, it's sort of difficult for us to put a finger on it and say, "Yes, we're ready to go."

1530

I would imagine, without having spoken to all of my colleagues in the association, that that's probably where some of the results are rooted.

Mr. Yvan Baker: I appreciate that. Based on what you just said, the way I would interpret the results of your survey, where a large number of clerks said they weren't prepared, is that I could look at this and say that a lot of them may have said that because there's a lot of detail yet to be determined, a lot of planning yet to be done, and that would determine whether they're prepared or not.

The Chair (Mr. Peter Z. Milczyn): Unfortunately, that's your time, Mr. Baker.

Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. I just wanted to focus a little bit on the responsibility of the clerk during an election. This morning, we heard reports from a presenter that, in fact, what we needed to do was to have a much better process within the bill to deal with not only monitoring the finances after an election, after the returns are in, but for the candidates, to give them advice as to what's legitimate and what isn't. He said that in Ontario, we can call the elections office; in Canada, they can call the Elections Canada office. Municipally, who are you supposed to call? How do we guarantee that I can depend on that advice when they give it to me? It was suggested that the chief returning officer in every municipality is the clerk.

Do you see a way of satisfying the needs of that individual by using the administrative staff that we presently have in the municipalities?

Mr. Stephen O'Brien: I think the crux of the issue for us is that, like you alluded to, you've got independent, arm's-length bodies—in fact, officers of the Legislature at the provincial level, for example—that are providing that advice. They're not interacting necessarily with members of provincial Parliament on a day-to-day basis following an election process. That's the challenge that we have.

In some municipalities, it may not be a staffing resource issue; it just may be the compromise that that plays. We've got to be able, on one hand, to provide unbiased, neutral, evidence-based policy advice to our councils on a myriad of issues, like our other staff colleagues do. Then, on the other hand, it would be vetting financial statements. So it's that challenge.

The legislation already—albeit it could see some tweaks, there is a compliance audit process.

Mr. Ernie Hardeman: If I could just quickly—you mentioned in your presentation the compliance audit committee, and to give them the responsibility for the auditing. Is there a way that we could give them the responsibility of also being the chief electoral officer—in fact, to make the total process arm's-length from the clerk's office?

Mr. Stephen O'Brien: I would suggest that that would be very problematic, the reason being that municipal clerks have—in areas where we do need resources, we can leverage those quickly. I think about the technology statement I just made about municipal elections. I know in my own municipality, we partner heavily with our IT friends and we're able to leverage that. We're able to use staff resources on the day of an election to help augment the hiring we do in the communities.

I would suggest that an arm's-length committee would be challenging, to assume the whole body of work that is a returning officer's role. We're looking more at the separation of the vetting and reviewing of financial documents.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. If there's anything further that you'd like to submit to the committee in writing, you can do so until 6 p.m. today.

Mr. Stephen O'Brien: Thank you.

MS. SUSAN LLOYD SWAIL

The Chair (Mr. Peter Z. Milczyn): Our next witness is Ms. Susan Lloyd Swail. Good afternoon.

Ms. Susan Lloyd Swail: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Ms. Susan Lloyd Swail: Thank you. My name is Susan Lloyd Swail. I am a former deputy mayor and municipal councillor for King township. Good afternoon.

First of all, I want to thank the committee for your work on Bill 181. It's really an important part of our legislation. As a former municipal councillor, I want to

say that I support the recommendations outlined in Campaign Fairness' report *If It's Broke, Fix It*.

Today I'll be speaking to two specific areas in their report. One of particular concern is the influence of corporate and union donations, and also the importance of including ranked ballots in municipal elections.

I'll be commenting on research done by Professor MacDermid, and Nobel prize recipients Partha Dasgupta and Eric Maskin, who studied electoral systems in an effort to find the fairest system of all.

The committee has heard that candidates receiving financial support from the development industry are more likely to get elected than those who do not. I was one that did not accept these contributions. Professor MacDermid has conducted compelling research that indicates corporate funding unduly influences election outcomes. I understand that he spoke to the committee last week, so I won't elaborate on his research, except to say that I agree wholeheartedly with banning corporate and union donations.

Voter apathy is a real threat to our democracy today. I think we really need to work to encourage participation and instill confidence within our election system. Changing to a ranked ballot system and reducing the influence of corporations will do just that.

An analysis of the 2002 US presidential election by Nobel prize winners Partha Dasgupta and Eric Maskin, published in the *Scientific American* magazine in 2004, clearly identified that the first past-the-post system alone is not the best system to represent the wishes of the voters. When there are more than two candidates running, as was the case in the 2002 election, where four candidates competed—Buchanan, Bush, Gore and Nader, I believe it was—a ranked ballot can make a difference in the results. That was their analysis. The research completed showed that ranking candidates removes ambiguity and addresses the shortcomings of our current electoral system. They found that the fairest electoral system and the one that most accurately represents voters' wishes is one that ranks candidates.

The ranked ballot should be incorporated in the Municipal Elections Act, not left up to individual municipalities, as the bill currently stands. We need one clear, consistent and fair system. We think it will be confusing to the electorate if there are different systems in municipalities throughout the province. As ranked ballots are proven to make the system fairer, they should be instituted across the board.

In my personal experience, when I was running as an incumbent, my opponent asked a third candidate to run and shadow my campaign then withdraw at the end of the campaign after the deadline so their name would still appear on the ballot. I'm sure you're all aware of this practice. When the vote was counted, it was clear the strategy to take me out had worked. The third party took the few votes—it was less than 25—that I had lost by. If the election had followed a ranked ballot system, the outcome would have been different, and I might not be here today.

In closing, to instill confidence in the electoral system we need to ensure our system is as fair as possible, consistent and accountable to the public. Corporate interests do not vote and they should not influence the outcome of our elections. Banning union and corporate donations is just the right thing to do. It's vital to our democracy that these reforms are made to the electoral system to ensure it is the fairest system it can be.

I'd like to thank you for your indulgence today. It's a beautiful day out there, and I'm sure you want to get out as soon as possible.

The Chair (Mr. Peter Z. Milczyn): No, we actually enjoy staying here and working hard.

We'll start this round with the government side: Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you very much for your presentation. The option for the ranked ballot voting was a campaign 2014 platform and a mandate letter commitment. But it definitely is to be an option, so that municipalities are able to decide whether they want to do it or ask their constituents, the citizens of the town or village or whatever, if they want to do it that way. Do you not think that's fair?

Ms. Susan Lloyd Swail: I think it would be better if it was implemented across the board. I think if individual municipalities get to choose, you're going to have different voting in different—I mean, if I move to London, I have to vote differently than if I live in King. I think it's going to be more confusing to the electorate unless there's one clear rule right across the board.

Ms. Ann Hoggarth: But you agree that if it is implemented that it should be a municipal choice?

Ms. Susan Lloyd Swail: No. I think it should be mandated by the province.

Ms. Ann Hoggarth: Okay. You said that you participated—you did not take donations?

Ms. Susan Lloyd Swail: I did not.

Ms. Ann Hoggarth: Is that what I heard you say?

Ms. Susan Lloyd Swail: Yes. I took individual donations.

Ms. Ann Hoggarth: Okay. So you funded your campaign yourself?

Ms. Susan Lloyd Swail: I took individual donations from community members.

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Ms. Ann Hoggarth: Did you use any of your own money?

Ms. Susan Lloyd Swail: I used some of my own money.

Ms. Ann Hoggarth: Do you think there should be a limit on how much of their own money a candidate can use, the same as—

Ms. Susan Lloyd Swail: I think it's a good idea to have a limit on how much an individual can contribute to an election campaign, whether that's a candidate or an individual, yes.

Ms. Ann Hoggarth: Great. Would you tell me: Do you think the shorter campaign periods allow for better municipal elections?

Ms. Susan Lloyd Swail: I think shorter campaign periods are better for the public, definitely.

Ms. Ann Hoggarth: Thank you very much.

The Chair (Mr. Peter Z. Milczyn): Next, Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. Your suggestion that, in fact, ranked ballots would be made mandatory for everyone—is your concern that if it's voluntary, municipalities won't do it?

Ms. Susan Lloyd Swail: Yes. I think a number of municipalities will not do it.

It's an administrative issue. You heard all the barriers that the AMCTO put up. I am sure they're going to be asked by their councils whether this is a good idea or not, and their opinion is clearly that there are too many barriers.

Mr. Ernie Hardeman: Presentations we've been getting from municipalities have suggested that councils are a mature and accountable level of government, and they will make decisions that the people in the municipality want. So if they're not making them in that way, then I have a concern as to whether they should be given the authority at all.

Ms. Susan Lloyd Swail: I don't think the public, in most cases, understands the importance of ranked ballots and how valuable they would be to our democracy at this point in time. I think it's an educational issue, that we need to educate them on how important ranked ballots are and how they would make the vote more important and count more. It increases the accountability. I don't think they understand that at this point in time, but it's certainly something we can work on.

I personally would like to see it instituted right across the board. I think it's much better.

Mr. Ernie Hardeman: The other thing—and Ms. Hoggarth mentioned it—about the timing or shortening of the writ period for the elections: In fact in the bill, contrary to what was being suggested, the actual writ period is longer, not shorter. The time to raise money is shorter, so you can't start raising money until the first of May, but the actual writ period is longer than it presently is.

In your opinion, what difference would that make? Is that a positive or a negative, to lengthen the writ period for people to go out and knock on doors?

Ms. Susan Lloyd Swail: It depends on the size of your ward, of course, but if you're someone in the community who is well known and well respected, I don't think you're going to have any problem, no matter what time frame there is. If you've got the confidence of your community, I don't think it's going to matter, how much time. It never mattered to me how much time I had. It's a non-issue.

Mr. Ernie Hardeman: Okay. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you, Ms. Swail. If you do have anything you'd like to—

Mr. Percy Hatfield: Ahem. Ahem.

The Chair (Mr. Peter Z. Milczyn): Oh. I am extremely sorry. There is another round of questions from the inestimable Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. It's always a pleasure to be ignored—completely. Only kidding.

Ms. Daiene Vernile: We could never ignore you, Percy.

Mr. Percy Hatfield: No, I know.

Susan, welcome back to committee at Queen's Park.

Ms. Susan Lloyd Swail: Thank you.

Mr. Percy Hatfield: From your experience, how big of a problem is big money, corporate money, during a municipal election?

Ms. Susan Lloyd Swail: Well, you've seen the research from Professor MacDermid. It definitely influences the outcome of elections. My personal experience is that I was ousted by someone who had developer funding and was a developer themselves, actually.

I think it's really important to instill public confidence in the system that we accept funding only from individuals. I also think it's really important to increase participation in campaigns, getting people to know that "I'm not moving forward as your candidate unless you come out and support me."

Mr. Percy Hatfield: From your own municipal experience, would a developer-backed council ever vote to eliminate corporate and union donations during municipal campaigns?

Ms. Susan Lloyd Swail: No. That's why it's so important that the province move forward with this bill.

Mr. Percy Hatfield: Yes, but right now, it's leaving it up to the municipality to decide for itself.

Ms. Susan Lloyd Swail: Well, with the changes—

Mr. Percy Hatfield: The changes that you suggested.

Ms. Susan Lloyd Swail: Yes, the changes that I suggested.

Mr. Percy Hatfield: And from your experience, should it be necessary for a municipality to hold a referendum before switching to a ranked balloting system?

Ms. Susan Lloyd Swail: I think it's always a good idea to go to the public to ask questions. I'd like to see a lot more referendums on the items that we bring forward to the public, but I don't really have an opinion on that one way or the other.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. My apologies to Mr. Hatfield, and to you as well, because it could have deprived you of the opportunity to answer a question.

Mr. Percy Hatfield: Oh, I was only kidding.

The Chair (Mr. Peter Z. Milczyn): If you have anything you'd like to submit in writing, you have until 6 p.m. today.

Ms. Susan Lloyd Swail: Thank you.

ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Michael Barrett. Good afternoon.

Mr. Michael Barrett: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation, and if you could please state your name for the official record as you begin.

Mr. Michael Barrett: Good afternoon. My name is Michael Barrett, and I am president of the Ontario Public School Boards' Association. OPSBA represents public district school boards and authorities across Ontario. Together, our members serve the educational needs of almost 70% of Ontario's elementary and secondary students. The association advocates on behalf of the best interests and needs of the public school system in Ontario.

I'm also chair of Durham District School Board and have been a trustee since 2003, representing the city of Oshawa.

I appreciate the opportunity to speak to you about Bill 181, Municipal Elections Modernization Act, and to highlight the importance of trustees and school boards. As president of OBSPA, I feel obligated to speak out and up for the role of the local democratically elected trustee. We all know that municipal and school board elections occur every four years. We are very fortunate in the province of Ontario that these elections occur on the same day. We believe that this increases overall voter participation and knowledge about both important municipal representatives. Sadly, this is not the case in many provinces.

In previous years, we have actively promoted municipal and school board elections. In the 2014 election, we were assisted in this with financial support from the Ministry of Education. Along with other school board associations, we developed a suite of bilingual election resources to highlight the role of school board trustee, provide in-depth knowledge of school board operations and encourage informed voter participation. Our hope is that this support is continued for the 2018 election and beyond.

With regard to this current proposed legislation, our association did participate in a consultation process last summer that reviewed the 2014 election. My comments today are based upon the feedback collected in last year's consultation, as well as input from trustees and staff from amongst our member boards.

With regard to ranked ballots, although this particular proposed amendment is not applicable to school boards at this time, we note that there would be an option for consideration in the future. At this time, we are not advocating for this option to be extended to school boards, but we'll be monitoring the actual uptake in municipalities seeking this option. We will also be interested in the actual implementation of the ranked balloting system on voting day. We would insist that if a municipality does choose this option, there would be clear communication with voters so that they understand that ranked balloting would only apply to the selection of municipal councillors and not for their local board trustees. This would be confusing for some of the electorate.

With regard to the election calendar, OPSBA strongly supports the shortening of the overall election campaign

to be from May to the end of July. We have previously stated our request to close the gap between the day nominations open in January and voting day in October, noting that most election-related activities intensify towards the end of the campaign period. By also moving up the nomination deadline day, all candidates will have an equal amount of time to develop a campaign strategy and create support materials.

With regard to campaign financing and enforcement, we've seen a move in the recent past to create simpler forms for financial collection and documentation. This has been appreciated. We would continue to request that candidates receive regular information about upcoming financial deadlines.

With regard to the compliance audit committees, some of our member boards continue to struggle with membership and the work required by this committee and the work done by the municipal clerk. We suggest further discussion about this be done between the ministry and the Association of Municipal Managers, Clerks and Treasurers of Ontario.

The voters list: We believe that maintaining an accurate public record for voter registration is a matter of good public policy. For school boards, improving the quality of the data in the municipal voters list would result in more reliable school support information for planning purposes. We have worked and will continue to work with MPAC and the other school board associations to remove obstacles that prevent voters lists from being current. For school board candidates, MPAC is obligated to prepare the preliminary voters list, and a plan must be in place to ensure that this document is as up to date as possible.

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Election administration: This proposed legislation would require school boards to set out in policy a process for conducting recounts. Our intention is to create a template policy to ensure consistency amongst all school boards and our member boards. School boards will also be required to develop policies regarding the use of board resources during a campaign. Many of our members already have such policies in place, and we would suggest that we will be developing a template for all of our 31 member boards.

Accessibility: We support the changes regarding accessibility that ask municipal clerks to make their plans available to the public before voting day, because as you know, many of our schools are used as polling stations for both advance voting and on election day.

So what's missing? Bill 181 is entitled the Municipal Elections Modernization Act. However, we have yet to see a real push for modernization in terms of online candidate nomination forms; more support for telephone and electronic voting options, including smartphone technology and applications; as well as a centralized mechanism that collects and posts election results. We will continue to advocate for this.

We also note that this proposed legislation now allows a municipal clerk to determine the hours for advance

voting. We ask that consideration be given to altering the voting hours on election day by allowing polling stations to be open earlier than 10 a.m., and perhaps later than 8 p.m. Many trustees have told us that even with the ability to leave work early, an earlier start and later closing time would be beneficial to their constituents.

In closing, I'd like to thank the members of the standing committee for listening to our voice as trustees during these public hearings. Our members, the trustees of the Ontario Public School Boards' Association, make decisions that affect more than a million students. They help shape the education experience, the school environment and the future of our children, communities, and the face of Ontario. Locally elected school boards put the "public" in public education. They are the connectors that bring community voices to the table and make democracy meaningful. They influence children's experiences today and expand their opportunities for the future. Trustees are indeed the only elected representatives in the province of Ontario who have, as a sole responsibility, public education.

The changes being sought in this proposed legislation are, for the most part, a step in the right direction to ensuring that we have a vibrant, engaging democratic process in Ontario that inspires individuals such as trustees to seek a role in public service.

Again, I thank you for your time.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. We'll start this round off with Mr. Hatfield.

Mr. Percy Hatfield: Welcome. Thanks for coming in and making your presentation. Earlier, in our first round of discussion, somebody suggested that we might have a higher turnout and more secure elections if elections were held on a PD day, so that if you go to a school to vote, you don't have all those problems. Let me just start with that one. What do you think of that idea?

Mr. Michael Barrett: Certainly, I know that there have been some viewpoints with that too. Some of our member boards have also raised that as an issue. However, if the planning process and advance notice is given early enough, with good communication, we believe that we can handle and manage that process.

It would be nice to have the schools empty, but it would also mean that all municipalities across the province—because I know that there's one municipal election date—would have to coordinate the calendars, which would not be impossible. It could be an issue. Up to this point, I know there have been some concerns, but I still think it could be handled, even during a school day.

Mr. Percy Hatfield: As you note, it's not being suggested this time, and you're not advocating for ranked ballots. Could you expand on the suggestion that municipalities adopt no corporate or union donations? I imagine that that would apply for school board trustees as well.

Mr. Michael Barrett: Certainly, that would apply, and many trustees—I don't have any data to support that, but I could just talk specifically about my area. There are not a lot of donations that take place. I myself, in transparency, received donations from the local teachers'

unions. However, in the recent negotiations, they might regret that. Certainly, I think that the element of not allowing either corporate donations or union donations would be something that our members would support.

Mr. Percy Hatfield: I think the Premier, the education minister, and Catherine Fife from the NDP have all been president of your association.

Mr. Michael Barrett: Correct.

Mr. Percy Hatfield: There could be more MPPs who have been president; I don't know. So when are you going to run?

Mr. Michael Barrett: I am not going to run. I can emphatically state that. I'm not using the role of trustee as a stepping stone. I'm here to be able to serve my community. I'm here to be able to represent my six kids in the school system. It is not a stepping stone for me.

Mr. Percy Hatfield: So I shouldn't give you an NDP membership card application?

Mr. Michael Barrett: Well—

Mr. Tim Hudak: He's wearing a blue shirt.

Mr. Michael Barrett: My political persuasion is that I'm Irish. That's about it.

The Chair (Mr. Peter Z. Milczyn): Well said. Mr. Baker?

Mr. Yvan Baker: Thanks very much for coming in and talking to us today.

Just for clarity: When you were talking about the ranked ballot initiative, I know it doesn't apply to school boards in this bill, and you had talked about the fact that you support that. Is that correct?

Mr. Michael Barrett: As an association, we're looking at the uptake in the municipal arena. We don't really have an opinion on it because we don't know how it would impact or affect us. So we're kind of keeping our powder dry and taking a look to see what the uptake will be, because it may not even be an issue in the sense if it doesn't gain resonance in municipalities.

Mr. Yvan Baker: Okay. But the fact that it doesn't apply to school boards—you support that aspect of this bill, currently. Is that correct?

Mr. Michael Barrett: As an association, no. I would say we don't have an opinion on it. As an individual, I may have another opinion, but as an association—

Mr. Yvan Baker: Fair enough. Okay.

One of the things I wanted to ask you about was the shortened campaign period. Can you just talk about what effect that would have on school board elections and on candidates?

Mr. Michael Barrett: Certainly. As you recognized, last year nominations opened in January. Certainly, I was one of those who filed in January when I saw the flood of individuals being able to put in. So to be able to have a campaign that technically starts in January—it does confuse the populace. In fact, I would say that we had a number of candidates who filed and left the campaign piece.

I don't believe that it's going to have a considerable impact on the campaign or the election and selection process, as the previous witness said. I believe that a

shorter campaign will actually focus individuals and the voting populace on trustees as we fight for attention within the municipal election campaign.

Mr. Yvan Baker: Okay. Do you believe that clearer campaign finance rules would assist candidates?

Mr. Michael Barrett: We would support that on a municipal level, but the reality is that probably 94% of our funding comes from our own individual donations. I would suggest that trustees outside of the city of Toronto get very few donations, and really, it's a self-funded campaign. There's a charity here, and there's a donation. I'm the charity; I'm also the donor as well. So there are not a lot of donations. Within trustees, it's not going to have a considerable impact outside of the city of Toronto.

Mr. Yvan Baker: Okay. Thank you very much.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman?

Mr. Ernie Hardeman: I just have a quick comment, and then Mr. Hudak is going to have some questions.

I want to thank you for the presentation. You're the first presenter who has actually identified the positive aspect of moving the nomination date forward, because you would have more time to fix your voters list and get the identification. So I thank you for that positive mention. I was thinking it had no sense at all, and now I know that there's a method to their madness.

Mr. Michael Barrett: There is also—if I could comment quickly, because I don't want to use your time up—another element from the school boards' association, because we have to adjust our boundaries and our representation early in the year. When you have a nomination period of January—we don't get the data until March or April—we've already set it. It means that changes don't take place.

Mr. Ernie Hardeman: Thank you.

Mr. Tim Hudak: Mr. Barrett, thanks for your presentation. It was very comprehensive and well thought out. Thank you.

Thanks, as an aside, too, for your advocacy for kids with autism. I've really appreciated your interventions, and I know a lot of constituents have as well.

You point out an important element of confusion that I think will exist if the municipality has a ranked ballot and, on the same voting day, trustees do not have a ranked ballot.

Mr. Michael Barrett: Correct.

Mr. Tim Hudak: Does the school boards' association have a point of view on a referendum being required before changing the system?

Mr. Michael Barrett: No, we don't. To be quite honest, we have not determined whether or not there would be a referendum.

Mr. Tim Hudak: Fair enough. Tell me how this would be confusing, then, if you have two different types of ballots at the same time.

Mr. Michael Barrett: Again, we see that there would be confusion. An individual going in and selecting a rank—1, 2, 3 or whatever the number is—and then on the same ballot, although it could be specifically laid out, not going 1, 2, 3 on the list. For a trustee—there are 12 of us

running in the city of Oshawa. I could just imagine someone going down that list, going 1, 2, 3, 4, or however that's going to work, and it's on the same ballot. So that's where we see that there could potentially be confusion.

Mr. Tim Hudak: I would think—and then the provincial would be different from that.

The other point I wanted to ask you about: You mentioned support for limits on unions and corporations in advertising, and you also say you're not convinced that individuals should be required to register in order to advertise. Individuals, though, could have an outweighed influence on an election campaign if they spend a lot of money or they're in a smaller municipality. Do you think it should be after a certain cap, for example? If they're spending \$20,000, surely they should register.

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Mr. Michael Barrett: We would suggest, as an association, that we're not looking towards any sort of registration as individuals. We see that as limiting that possibility and we would see that that would limit the democratic process as individuals. We would support individuals having that right. There would be support for suggesting that groups would have to be able to do that, but as individuals, we would not support that.

Mr. Tim Hudak: Let's say I won the lottery and I want to influence my local municipal election. You wouldn't suggest a cap on how much I could spend or any—

Mr. Michael Barrett: Well, there are caps, because we are capped similar to municipal politicians. We also have a limit that we can spend.

Mr. Tim Hudak: Okay.

The Chair (Mr. Peter Z. Milczyn): That's the time we have for today. Thank you very much for your submission. If there is anything further you would like to provide to us in writing, you can do so until 6 p.m. today.

Mr. Michael Barrett: Thank you very much for your time.

OTTAWA123

The Chair (Mr. Peter Z. Milczyn): Our next witness is Colum Grove-White. Good afternoon. You have up to 10 minutes for your presentation, and if you could please state your name for the official record as you begin.

Mr. Colum Grove-White: My name is Colum Grove-White. Good afternoon, members of the committee. I am the spokesperson of Ottawa123, the ranked-choice voting initiative of the city of Ottawa. I'd like to thank you all for inviting me here today, and I look forward to giving you a perspective from Ottawa on the proposed legislation.

Ottawa123 is a non-partisan group of Ottawa residents who believe that ranked-choice voting will bring about friendlier elections, better ideas and increased diversity on Ottawa city council.

Although we are non-partisan, we have a broad range of support from across the political spectrum. We have

supporters and volunteers from the Ontario Liberals, Progressive Conservatives, NDP and Green Party, underscoring that voting reform need not be a partisan issue but rather an issue of fairness.

Municipal elections in Ottawa are in trouble. Voter turnout was less than 40% in our last municipal elections and only four women were elected into 23 of council seats.

When the province announced public consultations in May 2015, Ottawa123 partnered with some Ottawa city councillors, as well as the Make Every Vote Count campaign, to consolidate and provide the Ministry of Municipal Affairs and Housing with feedback on the new legislation. At those consultations, Ottawans said loud and clear that the first-past-the-post voting system is no longer reflective of our city's diversity.

The consultations were more broad than ranked-choice voting, and I invite you to read the other aspects that Ottawa has touched on in their report, which I have included Ottawa123's submission, which I believe will be distributed to you after my presentation.

Before I go into ranked-choice voting in more detail, we do feel compelled to make an observation on some of the changes regarding third-party advertising. We are of the understanding that this new legislation will potentially place burdensome reporting requirements on individuals or small organizations with limited resources, like our own, looking to have their voices heard in elections. This potentially could diminish the quality of local democracy.

A large developer or a union spending thousands of dollars to promote a slate of candidates during an election is not the same as an individual spending \$5 or \$10 to promote a tweet about their neighbour running for city council. You will agree that subjecting both these entities to the same third-party reporting requirements is not the intended spirit of this legislation. I urge this committee to clarify this situation and develop a reasonable threshold to differentiate between these types of third-party advertisers so we don't place unrealistic reporting requirements on those with limited financial and human resources.

Back to the question of ranked-choice voting: Is it better than our current voting system? An election using ranked-choice voting puts the brakes on divisive and negative campaigns. Why? Because with ranked-choice voting, candidates need to appeal to their opponents' supporters in order to be their second or third choice on the ballot. In fact, it should be of little surprise to members of this committee that this is precisely the reason why political parties use ranked-choice voting to select their leaders.

Because voters can rank their preferences, ranked-choice voting would limit vote splitting and minimize strategic voting. In the last city of Ottawa elections, fear of splitting the vote persuaded some voters to vote against certain candidates rather than for their first choice. At best, such tactics discourage voters from voting for their first choice. At worst, these tactics may

dissuade potential candidates from running in the first place. With ranked choice voting, voters can vote with their heart for their first choice and vote with their head for the second.

To be sure, ranked-choice voting is no panacea for all of Ottawa's or any municipality's democracy woes. Any changes to the city's electoral system will need broad public consultations and a strong educational campaign. But for anyone who care about a stronger local democracy, this small, simple change to ranked-choice voting would be a step in the right direction for Ottawa and cities across Ontario.

By putting more choice in the hands of voters, ranked-choice voting may encourage some of those voters who stayed home in 2014 to return to the polls. It will force candidates to concentrate on positive platforms rather than negative messaging.

And who knows? When politicians are forced to be civil to each other, we may even attract a more diverse, gender-balanced slate of candidates who prefer collaboration to confrontation, who come with new ideas and new ways of thinking about Ottawa that capture the imagination of a new generation of voters.

But the clock is ticking. I encourage the committee to finish their work as quickly as possible so that municipalities have the time they need to engage with their citizens and implement a ranked-choice voting system for 2018.

I'd like to thank you all again for inviting me here today. I look forward to your questions.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. We'll start this round with Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you very much for your presentation.

My question would be—you just referred to confrontation. How will that stop confrontation?

Mr. Colum Grove-White: Well, in our current voting system, candidates get points by making themselves as different as possible from other candidates, because if you and I are running in an election together and our platforms are too similar, we're going to split the vote. So there is no incentive for us to be kind towards one another in these elections. In our current system, because I don't need to appeal to your supporters, then I can be as mean to you as I like.

However, in the ranked choice voting system, you need to appeal to your opponents' supporters. That means that I can't start slagging you and telling you what a horrible person you are. I'm going to have to be somewhat complimentary, and we may even agree on some important policy ideas, which would be good for local democracy and decrease confrontation in our elections.

Ms. Ann Hoggarth: But you still need the most people possible to support you, even if it's in the second ballot.

Mr. Colum Grove-White: Well, yes. It will all depend. If we're doing instant runoff voting, then it would really depend, but everyone would still be cordial to each other because they want to get the second- or third-choice support of those voters.

Ms. Ann Hoggarth: Okay. My second question: The ministry has committed to continuing to work with municipalities and the public to share information and guidance on implementing a ranked-ballot system. Can you tell us what forms or approaches to public education would be the most beneficial? Because many people have said that would be very difficult, educating the public on this new system.

Mr. Colum Grove-White: I think that there is a number of municipalities and countries across the world that have changed their voting system from first-past-the-post. Minneapolis comes to mind in the United States. New Zealand comes to mind, as a country. I think that we can learn from all of their experiences and their education campaigns on how best to educate voters on new voting systems.

Ms. Ann Hoggarth: Thank you.

Mr. Peter Z. Milczyn: Thank you.

This round, to Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. We've had a number of presenters speaking on ranked ballots. There seem to be some differing views. The one not too far ahead of yours, just a couple of presentations ago, was suggesting that it should be made mandatory across the board, because that was the only way that it was going to work. What's your opinion on that?

Mr. Colum Grove-White: Mandatory ranked choice voting across the board? I'm of the opinion that cities know best, and I think that the decision should be left to cities to determine what their best voting system is.

Mr. Ernie Hardeman: How do you explain that a little bit more, if that's your opinion? Why do you have that opinion? I have the opinion that I think that they should all have a referendum before they could do it. That's because I think that the people should decide. What makes you think that councillors are so much more knowledgeable than the average citizen, that they should make the decision?

Mr. Colum Grove-White: I would actually say that it's quite philosophical. We live in a democracy, and one aspect of a democracy that makes a strong democracy is the decentralization of power. We have that here in Canada. We have a federal government, we have a provincial government and we also have municipal governments.

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For the province to make blanket statements or make blanket regulations about how cities should change their voting system isn't really democratic. I think cities know best on the best ways in which they can engage their citizenry. For example, a small city wanting to make the change to ranked choice voting might not think that a referendum is feasible. However, another city might think that a referendum is feasible. But it shouldn't be Queen's Park deciding what cities should be doing.

From a technical perspective on the question of a referendum, we can use the city of Ottawa as an example. If we were to have had a referendum in the last election

on whether we should have changed to ranked choice voting, and 100% of those voters said, “Yes, we should,” that referendum would have failed, because we had less than 50% voter turnout. The current Municipal Elections Act states that for a referendum or a question to pass, there needs to be 50% voter turnout in elections. Some people, myself included, believe that making the switch to ranked choice voting is about engaging more voters—

Mr. Ernie Hardeman: Isn't it counterproductive to suggest we shouldn't hold referendums because they tend to fail on the subject?

Mr. Colum Grove-White: I never said that.

Mr. Ernie Hardeman: No, but you said that because of how they structured it, it failed—

Mr. Colum Grove-White: We have a problem of low voter turnout across this province in our cities. One of the reasons why people like myself want ranked choice voting is we believe it will increase voter turnout. To have a referendum in certain cases, we're already engaging with those people who are already going to turn out to the polls. One of the things that we hope to do with ranked choice voting is get new people coming out to the polls who wouldn't necessarily come out in a referendum.

But I do believe, at the end of the day, it's up to the cities to decide how best to do the democratic reforms necessary. It's not up to the province to dictate the best way for—

The Chair (Mr. Peter Z. Milczyn): I'll stop you there, because I want to make sure Mr. Hatfield has time as well.

Mr. Percy Hatfield: Thank you, Chair.

Welcome. Thank you for coming all the way from Ottawa today. I'm a little confused on how diversity would be improved on a municipal council through ranked choice voting.

Mr. Colum Grove-White: There are a number of theories on why people would think that you would increase diversity. One of the reasons is that a lot of people might not become candidates in an election, because they fear vote splitting between candidates who have similar ideologies. For example, if you and I were very similar in how we thought the city should be run, we would be splitting the vote. That could also be true of two women running: “Oh, you're going to split the women's vote.” Or, if different minority groups were running, they would fear that they were going to split some hypothetical minority vote.

What we see with a ranked choice voting system is that there's no fear of vote splitting, so that those candidates can run. The reason that they get elected—and we see Minneapolis as a great example of a city that changed to ranked choice voting and had an increase in minority representation. We see that these groups are actually engaging with a new subset of voters from different minority backgrounds, and they in turn then elect councillors from different minority backgrounds.

Mr. Percy Hatfield: You suggested that political parties choose their leaders on a ranked vote. A municip-

pal ranked vote would be one vote. You cast it once, and you rank your ballots. When the political parties choose a leader, all the first ballots go in the dumpster and they hold another vote. If there's no decision, that goes in the dumpster. They do it again and again and again until they get a leader. How do you compare that to a municipal ranked ballot, which is entirely different?

Mr. Colum Grove-White: Well, it's not entirely different.

Mr. Percy Hatfield: Well, there's one vote, or there's five or 10.

Mr. Colum Grove-White: It's the same principle, though. One is an instant runoff vote, and the other is not an instant runoff vote. In the case of party leaders, what happens is you'll drop off the candidate with the least amount of votes, and then you have another vote.

Mr. Percy Hatfield: But then again, at the party level, you are chosen at your riding association to give first ballot support to somebody. After that, you're free to go wherever you want.

Mr. Colum Grove-White: Exactly, and I think this is one of the arguments—

Mr. Percy Hatfield: But you can't do that at the municipal level.

Mr. Colum Grove-White: But one of the arguments for ranked choice voting is to create less negativity in our elections. One of the reasons that this exists is for the same reason that this exists at the political parties: We want to be able to appeal to our opponents' supporters. That doesn't diminish in these two systems. Just because you have an instant runoff vote versus a non-instant runoff vote, you still get the same benefits of ranked choice voting.

Mr. Percy Hatfield: What's your stance on a ban on corporate and union donations?

Mr. Colum Grove-White: Ottawa123 doesn't take a position on a ban on corporate and union donations, but there has been large discussion in the city of Ottawa. I invite you to read the report of the consultations that we did with Ottawans, and you can get the feedback from there.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. If you have anything you'd like to submit in writing to the committee, you have until 6 p.m. today to do so.

Mr. Colum Grove-White: Great. Thank you very much.

MR. ALEX CULLEN

The Chair (Mr. Peter Z. Milczyn): Our next scheduled witness is Mr. David Mousavi. Is Mr. Mousavi here? We'll skip over Mr. Mousavi. Is Mr. Alex Cullen here? Then when Mr. Mousavi arrives, we'll still give him an opportunity to speak.

Good afternoon. You have up to 10 minutes for your presentation. Please state your name for the official record as you begin.

Mr. Alex Cullen: Thank you very much, Mr. Chairman. My name is Alex Cullen. I'd like to thank you for providing me with the opportunity to address you on Bill 181, the Municipal Elections Modernization Act. I am a former school board trustee and city and regional councillor who has participated in every municipal election since 1982 except for 1997, when I was elected to the Ontario Legislature representing Ottawa West. Of those 10 municipal elections, I was successful in seven. As you can imagine, I have a keen interest in the integrity of our democratic process.

Besides my personal experience, I have also examined in detail the campaign finances of three of the municipal elections in the city of Ottawa: 2003, 2006 and 2010. Copies of these reports have been distributed to you. These analyses, gleaned from examining the public election financial statements of candidates in those elections, provide information that should be helpful in the consideration of this important legislation to improve our local democracy.

As you will see from the three reports that I did on the city of Ottawa's municipal elections, I make the case for restricting municipal campaign contributions to individual voters only for two reasons. Permitting corporations and unions to make municipal campaign contributions is simply undemocratic. While every individual voter is entitled to contribute to the candidates of their choice, allowing corporations and unions to do so creates an elite who contribute twice by virtue of the corporations and unions they control. That is undemocratic.

Let me be more specific. The principle behind our democratic system is equality of vote: one person, one vote. Consistent with that principle, individual voters are able to support candidates for municipal office through contributions to their campaigns, as regulated by law.

As you are aware, contributions over \$100 are recorded on a candidate's election finances report. That's how come we know about the contributions from the Malhotra family in Ottawa, who own Claridge Homes, a major development company. They include Neil Malhotra, who is vice-president; his wife, Ainsley; Shawn Malhotra; and his wife, Louise, who together wrote 11 personal cheques worth \$8,250 to 10 municipal candidates in the 2010 Ottawa municipal election. That's their right to do so, no problem. However, three Claridge Homes companies controlled by the Malhotras wrote an additional 10 cheques to these same 10 municipal candidates, providing an additional \$6,550 in campaign funds. Altogether, the Malhotras contributed \$14,800 in 21 cheques to these candidates through personal and corporate contributions.

They're not the only example. There's the Singhal family, who own Richcraft Homes, another major development company in Ottawa. Krishnan Singhal, who's the president, wife Manju and daughter Angela together wrote 10 personal cheques worth \$6,200 to 14 candidates in that election. It is their right to do so; no issue. However, two Richcraft companies controlled by the Singhals wrote an additional eight cheques to these same municip-

pal candidates, providing an additional \$4,450 in campaign funds. Altogether, that's over \$10,000 in 18 cheques for these 14 candidates through personal and corporate contributions.

There are many other examples in Ottawa of a select class of contributors to municipal election campaigns who as individuals, and again because they control a corporation, can give twice to their favourite candidates. That's inconsistent with the democratic principle of one person, one vote. By allowing corporate and union municipal election contributions, an elite is created who use not only their own personal resources to support the candidates of their choice, but use as well the resources of the organizations they control. This privilege is not available to most voters and is consequently undemocratic.

It may surprise you to learn that most corporations in our community have little interest in municipal elections. They pay taxes, but you will not find Petro-Canada, Tim Hortons, Toronto-Dominion Bank or Loblaws contributing to municipal candidates. The predominance of corporate contributions to municipal elections comes from those corporations who do business with city hall.

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In Ottawa, that includes land development companies: Arnon developments, Charlesfort Developments, Claridge Homes, DCR/Phoenix, Domicile developments, Mattamy Homes, Minto, Monarch, Richcraft homes, Tamarack, Tartan Homes, Trinity Development, Uniform Developments, and Urbandale. These are companies who buy land and apply to city council for land designations to permit the construction of residential and commercial properties, increasing their land holdings significantly.

They also include construction companies as Beaver, Broccolini, CACE, Colautti, EllisDon, Greenbelt, PCL, R.W. Tomlinson, and Thomas Cavanagh. These companies seek contracts from the city of Ottawa to build roads, sewers and other infrastructure.

They also include engineering, planning, architecture, consulting firms, lawyers, waste management companies, street-sweeping companies, and even companies that manage street lighting, companies that are regulated by this city and companies that benefit by special treatment from city councillors regarding taxes, such as Capital Sports Management Inc., who operate the Senators NHL hockey franchise.

These are the corporations that dominate corporate campaign contributions in Ottawa. They are not philanthropic enterprises. They are for-profit operations seeking to protect their interests. Well, this is legitimate behaviour for these businesses. However, city council is elected by residents. They operate on a different basis: to protect the public interest. These interests—corporate self-interest and the public self-interest—are not always compatible. City council's decisions, to be legitimate, must be free of the taint of catering to self-interest. Councillors who accept donations from businesses which depend on city council decisions for their welfare impair the legitimacy of their decisions. It creates an inherent conflict of interest and is bad ethics.

Further, these contributions are a major factor in municipal campaign fundraising in Ottawa and help to determine electoral success. Although corporate and union contributions only account for a fifth of the overall campaign contributions to city council candidates in Ottawa, over \$220,000—nearly three quarters of that money—went to 19 candidates for 23 council seats. That's 19 out of 110 candidates. Of these 19, all won. In other words, these corporate contributions achieved extraordinary success in getting their candidates elected.

It is unhealthy for the democratic process to permit those corporations with an interest governed by city hall to play such an important role in electing the very people who are making decisions affecting their interest. As you know, this is not unique to Ottawa.

If the Legislature of Ontario is going to eliminate corporate and union campaign contributions at the provincial level—as has been announced, and as is currently the case in Quebec, Manitoba and Alberta—then it would be consistent to do the same at the municipal level. The issues are the same.

Section 88.15 in the act would permit municipal councils to choose to eliminate corporate and union municipal campaign contributions, as the city of Toronto and Guelph have done. In my view, the principle of “one person, one vote” and ensuring integrity in the municipal election process would be best served by eliminating corporate and union municipal election contributions.

On to the compliance audit, section 88.24: As you have heard, enforcing compliance of the Municipal Elections Act is a significant concern. The process of enforcement is cumbersome and relies on the individual voter to ensure compliance. As a result, there is flagrant abuse, particularly in the matter of allied or associated corporations providing municipal election contributions, in many cases flouting the election law limit of \$5,000 maximum contributions in a municipal election.

For example, in Ottawa in 2010:

—Arnon developments used nine associated companies to provide \$7,100 to municipal candidates, all from the public record;

—ByTown Investments used three associated companies to provide \$9,000;

—Claridge Homes used three companies to provide \$6,550;

—the Senators hockey club used four allied companies to provide \$8,500;

—DCR/Phoenix developments used four allied companies to provide \$8,600;

—Tartan Homes used three associated companies to provide \$6,000; and

—Urbandale used six associated companies to provide \$13,700 to municipal candidates.

Did I mention that three quarters of this money went to 19 candidates? All of these are above the legal limit of \$5,000 for that election. What is the use of election law compliance provisions limiting associated companies' campaign contributions if the ordinary voter is not able to

use these provisions? The issue is easily resolved: Eliminating these contributions.

The act contains new provisions to improve the compliance process. However, there is a gap in the compliance audit process as outlined in section 88.24 ensuring prosecution upon the finding of an election law violation by the compliance audit committee. This was illustrated recently in the city of Ottawa, where a compliance audit committee—a blue-ribbon committee appointed by city council that included the former Chief Electoral Officer of Canada—acted on a complaint by a citizen on a reporting irregularity, conducted a compliance audit, had a public hearing and unanimously recommended the prosecution of this candidate. However, the candidate involved was an elected city councillor, and the clerk of that council declined to prosecute. Why have it?

Clearly the process did not function as one would have expected and raises questions regarding the integrity of the process. This gap needs to be corrected to ensure that justice is done by those who have that responsibility. The matter should not lie within the discretion of an employee of the council involving a member of that council. From my experience as a city councillor for 16 years, the relationship between the city clerk and his or her council is too close to rely on this method. In fact, you heard from AMCTO on this. Should the compliance audit committee recommend a prosecution, after due process, then it should be up to the courts to dispose of that case.

The last point I want to bring to your attention deals with the review of campaign contributions. This section proposes that the clerk of council review campaign contributions to candidates to determine if election rules have been followed. My research shows multiple examples where violations of these campaign rules have happened with no sanctions. Besides the example that I have already given to you of multiple contributions from associated companies, other examples include candidates filing election returns with no data, and candidates filing audited election returns where the auditor said, “I couldn't even get to the records.” But these reports were accepted by the city clerk, despite their obvious deficiencies.

The Chair (Mr. Peter Z. Milczyn): Mr. Cullen, I'll stop you there. That has been just over 10 minutes.

Mr. Alex Cullen: Okay. You might want to ask me about that.

The Chair (Mr. Peter Z. Milczyn): We start this round with Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. Cullen. It's good to see you back at Queen's Park.

Mr. Alex Cullen: Sure.

Mr. Ernie Hardeman: On the campaign financing, I think, as the Premier has said in the House a time or two, it has become obvious, from the people we speak with, that the corporate and union donations should be limited in election financing. I don't think that's any different in this piece of legislation.

The challenge on this one, of course, is that this one gives the municipality the ability to prohibit it, as opposed to blanket, across the board.

The second thing I would like your comment on is, if we set different limits—you eliminate the ones set, and you set limits on individual donations—what kind of limits should they be?

And last, the third one, what about self-financing? Should there be limits on that?

Mr. Alex Cullen: On the first aspect, if it's good for the goose, it's good for the gander. If you find that selling access to a cabinet minister for \$5,000 a pop is unseemly, then allowing people to go get 40% or more of their campaign finances from corporate and union contributions is equally as bad. They do lobby city hall. They have a right to lobby city hall, whether they're a developer or a construction company or a waste management firm. Everyone has a right to lobby city hall. But the contributions taint the integrity of the process. So make it even-steven across the province. It's not going to hurt democracy. It hasn't hurt democracy in the provinces I've already mentioned. It hasn't hurt it in Guelph. It hasn't hurt it in Toronto. It's not going to hurt anybody across the province. And voters will thank you for it, because it's a more level playing field.

In terms of changing the campaign contribution limits, I say leave them where they are, at the maximum of \$750 for an individual. I ran a \$25,000 campaign with 230 individuals, and it was not \$750 each. That was in my ward in the city of Ottawa, an urban ward. I don't think you need to make any adjustment. I hear some people say, "Well, you've got to make the adjustment." As long as the rules are fair and even for every voter—if you want to change it, that's your business, but I'm content to say that \$750 is a good limit, and it works.

On your last point about self-financing, right now there is no limit on what I can contribute to my own campaign and what my spouse can contribute to my own campaign. We had a mayoral candidate running for office who contributed \$160,000 towards that campaign, and he got elected on that. You do want to differentiate between mayoral and ward councillor. But it was his money, and everyone knew it. So I'm agnostic on whether or not there ought to be a limit on personal finances, but it's reasonable to contemplate it because, obviously, it gives an advantage to people who have deeper pockets.

I'm more concerned about levelling the playing field at city council and getting rid of corporate and union contributions, because it distorts the process. Out of 110 candidates in 2010, 19 got 75% of those donations, and they got elected. There's a problem with this picture.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Hatfield.

Mr. Percy Hatfield: Thank you. Welcome, Mr. Cullen. First, let me ask—you almost finished—what was it you wanted to wrap up with?

Mr. Alex Cullen: Well, it's just on the review process of campaign contributions. You heard from the AMCTO

that the clerk would review a candidate's contributions. I'm just saying that that's too close a relationship with council. That clerk has to work with the electeds. Quite frankly, you should have that particular duty to the compliance audit committee.

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The suggestion that you should have off all the elections? No. We have a system that works. But to review those campaign contributions—we've already seen, in Ottawa, a clerk taking a unanimous decision from a compliance audit committee and saying, "Nah, I'm not going to do it." I'm sorry. The evidence is clear. The compliance audit was done, it was a unanimous vote by a committee involving the Chief Electoral Officer of Canada, and it's up to the courts to decide that. It's not for a clerk to say, "I think that one's okay, Councillor." That's wrong.

Mr. Percy Hatfield: Do you think we should trust developer-financed municipal councils to do the right thing and vote to ban corporate and union financing, or should it be mandatory?

Mr. Alex Cullen: It should be mandatory. Quite frankly, the people who are there, most of them, get there because they enjoyed that funding. The city of Toronto bailed because they had a huge scandal. This was about three elections ago. They had a huge scandal involving IT systems and—tantamount to bribes, but they dealt with it. But as a result, they said, "This is tainting the political process." They got out of it. It hasn't hurt democracy in Toronto, last I heard.

Mr. Percy Hatfield: What would be your best guess at an appropriate amount for a self-financed campaign limitation?

Mr. Alex Cullen: I think you have to develop a formula by the size of the ward and the municipality, if you were going to go down that path. Right now, \$750 is the max for an individual to a particular candidate. There are candidates who will run campaigns—and you heard from my colleague from the Ontario Public School Boards' Association. A lot of trustees self-finance. They're spending five hundred, six hundred bucks, except in Toronto, where it's another world entirely.

So whether you cap it at half the eligible expenses for a ward—my ward was \$27,000, so we say, "Cullen, you can only put in half for that." Okay, it means I don't go anywhere else. I've never put in that money. But you'd have to look at that. I think, though, that in large part you can leave it alone, because I haven't seen the abuse: only one instance where a deep-pocketed person came in. That was rather unique circumstances.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. Ms. Vernile.

Ms. Daiene Vernile: Thank you, Mr. Cullen, for your presentation. You've clearly done your homework. You've given us a deep dive into who gave what to whom in the city of Ottawa. It's really fascinating to read this.

I want to ask you a question on corporate contributions and get your reaction to the assertion that if the

owner of a company, a CEO or a president really does want to give to a candidate, they'll find another way to do it. So they will do it as an individual. They'll get their wife. If they've got a big family, even better; they get all their kids to donate. Maybe they're going to extend it to other friends and family. What's your reaction to that?

Mr. Alex Cullen: Well, I have no problem when individual voters—I talk to my son and say, “You’re living over here. You should really vote for that person.” That happens all the time. It's their choice to do it.

You cross the line when you give money to people and then they do it on your behalf. We have laws for that. Most Canadians won't accept that. We have the Del Mastro case federally, in Peterborough, where there were employees of a firm who found it very distasteful to be given money to contribute to the Conservative candidate and finally blew the whistle. Most Canadians see that as wrong.

A CEO—sure, he can lean on his friends and family. Heck, I've got a daughter who's very much an environmentalist. She leans on me to vote Green. That's legitimate. It's when someone gives me a cheque and says, “Here, you give that to that candidate”—we already know that crosses the line. There's already a law in place for that. I think that's sufficient.

Ms. Daiene Vernile: You spoke extensively about corporations. What are your objections to unions giving?

Mr. Alex Cullen: It's the same principle. As much as in Ottawa unions are a practically negligible factor in municipal elections—they are—it comes to the same principle: one voter, one contribution. You shouldn't be able to use the resources of another organization to double dip. If you say no to corporations and you say no to unions, they are the only players that are engaged in the game, and they're covered by the legislation. But generally speaking, restrict it to the voter, because it's the cleanest. There's one person, one vote.

Ms. Daiene Vernile: The bill also looks at ranked ballots. Do you have a comment on that?

Mr. Alex Cullen: Yes. I favour it. I favour it as a means of improving democracy. But I'm here today to speak to corporate and union contributions and also those two other elements in compliance.

Ms. Daiene Vernile: I really appreciate your comments and all the homework you did. Thank you.

Mr. Alex Cullen: You're very welcome.

The Chair (Mr. Peter Z. Milczyn): Mr. Hudak.

Mr. Tim Hudak: Just a quick comment. It's good to see you, Mr. Cullen, again. Mr. Hardeman and I served with you for a number of years. You look great.

Mr. Alex Cullen: Oh, thank you.

Mr. Tim Hudak: You've got more hair than you used to, and a very dignified style as well.

Interjection.

The Chair (Mr. Peter Z. Milczyn): Are you telling me the longer I stay here, there will be an improvement?

Mr. Tim Hudak: I just had a quick research request, if I could, because the points that Mr. Cullen brought up were excellent in terms of the influence of union or

corporate donations in municipal campaigns. I asked Mr. Hardeman this—maybe research could help us. The current restrictions on school board campaigns, because similarly I think the points that Mr. Cullen would make on school board campaigns—and if this bill were to pass, how does that impact on school board campaigns? It would just be helpful as we go through clause-by-clause.

Mr. Alex Cullen: It's the same. They face the same limits, and I'm asking them—some school board trustees take cheques from teachers' federations.

Mr. Tim Hudak: Precisely.

Mr. Alex Cullen: With my proposal here, that would be eliminated.

The Chair (Mr. Peter Z. Milczyn): Mr. Cullen, I'll cut you off there.

Mr. Alex Cullen: Sure.

Mr. Tim Hudak: So if the municipality were to—

The Chair (Mr. Peter Z. Milczyn): Mr. Hudak has asked research to report back to us.

Mr. Tim Hudak: Precisely. Thank you, Chair.

The Chair (Mr. Peter Z. Milczyn): By when?

Mr. Tim Hudak: Tomorrow would be fine. No. Jeff, I'm kidding. In time for clause-by-clause.

The Chair (Mr. Peter Z. Milczyn): Before our next meeting?

Mr. Tim Hudak: Yes, sure. Thank you. No particular rush as long as it's by clause-by-clause.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Cullen. If there's anything further you'd like to submit, you can do so until 6 p.m.

Mr. Alex Cullen: I believe the Clerk has a copy of my presentation—

The Chair (Mr. Peter Z. Milczyn): Yes, we do.

Mr. Alex Cullen: —and my previous reports were circulated to committee earlier. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much.

MR. DAVID MOUSAVI

The Chair (Mr. Peter Z. Milczyn): We'll go back on our list: Mr. David Mousavi. Good afternoon, sir.

Mr. David Mousavi: Good afternoon. How are you?

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation, and when you begin, if you could please state your name for the official record.

Mr. David Mousavi: Sure. Good afternoon, ladies and gentlemen of the Standing Committee on Finance and Economic Affairs. My name is David Mousavi. I am a long-time resident of the city of Toronto and a lawyer with experience in governance advisory. I would like to thank the committee for this opportunity to speak to you today and, as well, for all the hard work and countless hours you've put into this important bill thus far.

I've decided to speak to you today, to some extent, with regard to ranked ballots, but in reference to another tool that I respectfully submit is equally viable and is just as important towards achieving some of the same objectives as ranked ballots, those of ensuring our local

government reflects the communities they serve, building confidence in our local democracy and upholding the principles of good governance. Just as Bill 181 will permit municipalities to adopt ranked ballots by way of passing a bylaw, I'm here to request that this committee consider providing municipalities the option to employ term limits as well.

Before I begin, I'd like to preface my submissions today with two premises for your consideration. First, as I'll explain in more detail shortly, municipal elections have many differentiating characteristics from provincial or federal elections, which necessitate term limits. These characteristics are not found in provincial or federal politics and therefore I'm not arguing that term limits should be imposed at those levels of government. Secondly, my submissions are informed in large part by the phenomenon we have taking place in the city of Toronto, albeit there are many parallels that may be drawn in this respect with other cities in our province.

Today, 51% of Toronto consists of visible minorities, while Toronto city council consists of only 14% visible minorities. Women make up 52% of Toronto, while again, only constituting 14% of Toronto city council. Toronto city council does not reflect Toronto's diversity—be that identifying characteristic age, gender, religion, sexual orientation, ability or disability, income demographic or otherwise—not even remotely. The problem has not been a lack of political enthusiasts, but rather what many academics and commentators have described as an incumbency advantage. As it pertains to municipal elections, the incumbency advantage refers to name recognition, fundraising capacity, the ability to campaign while holding a steady source of income, and the benefit of paid staff who often moonlight between their constituency duties and the re-election campaign of their employers.

Toronto does not have political parties, as provincial and federal governments do, and does not have a robust media that can effectively cover every single local ward issue, but rather primarily covers city-wide issues.

To reiterate these points, I might, if you may, reference a quote from Bill Freeman's *The New Urban Agenda: The Greater Toronto and Hamilton Area*, wherein he states:

"The lack of parties in the GTHA has many unfortunate consequences. Affiliation with a party gives candidates an identity; it shows what policies candidates are in favour of and what they will support if elected. As Myer Siemiatycki, a political scientist at Ryerson, points out, 'It would require the skill and tenacity of a super sleuth to actually identify the record, position, and background of every candidate running for office.'

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"As a result, ward election contests today are almost devoid of city-wide issues. This makes it hard for citizens to figure out the approach candidates will support if elected. Incumbent councillors run on their record, they take credit for the accomplishments of others, and they blame the mayor or other councillors for the problems.

"Once elected, politicians constantly promote themselves. An incumbent councillor is a full-time politician with staff to handle constituency problems and make sure that the local media are carrying" their stories in a positive fashion. "They have money in their budgets to promote themselves to their constituents through mail campaigns.... [They] have such a huge advantage over their opponents that they have to do something that angers a very large number of people to be defeated....

"In Ontario, once a councillor is elected, they have a near sinecure for life. That helps to create conservative councils averse to taking risks or change."

Those are the comments from Mr. Freeman.

Of the 38 incumbent city councillors elected in 2014—sorry, 37 were elected, and the one councillor who did lose lost to a candidate who was running against them for the third time, thereby building up enough name recognition in the ward to win. It took this new entrant 12 years to be successful.

Furthermore, even if we are to accept Bill Freeman's proposition that a sitting councillor could be defeated if he or she were to engage in conduct that angers a large number of individuals, we only need to consider two perverse outcomes that took place in 2014.

In 2014, it was revealed in the media that two long-serving incumbent councillors were renting apartments at well-below-market rates from a property developer that had significant ties to the city and to the councillors themselves. In 2014, despite the outrage and media coverage, both these men were elected, one with 55% of the vote and the other increasing his share since the last time he ran in 2010. When councillors conduct themselves in this manner, quite probably with the knowledge that they cannot be defeated no matter what they do, then simply put, our democratic model is neither ensuring good governance nor building public confidence in the system.

At the provincial and federal levels, because we have party systems, elected members are held accountable by their respective parties and their leaders. I need only ask this panel—rhetorically, of course—whether any of you could behave inappropriately without consequence and instead merely point to a disengaged electorate to tritely state that it is the voters who will decide whether your unethical conduct was sufficient to end your political career.

Ranked ballots are certainly a step in the right direction. They can ensure we elect councillors through a plurality instead of being elected by a small number of electors, as often happens. They also certainly change the tone of elections, giving a more positively constructed debate to the matters at hand. But they do not, in my view, address the primary underlying source of the incumbency advantage, which is name recognition, nor do they ensure greater governance.

We need only look at the two examples of councillors with below-market rents. One was re-elected with 55% of the vote. In that particular race, ranked ballots would have no impact at all on the outcome and electors would

still end up with the same result. City council would be no more diverse and the questionable conduct would not be appropriately denounced.

Furthermore, in the ranked ballot election, there's nothing to say that an elector, even if they are to select a second or third choice, would know of any candidate other than the incumbent. In this instance, name recognition still places a significant barrier to any new entrants to the race. The fact is that unless there is an anybody-but-the-incumbent grassroots campaign by the electorate, we would still end up with the same undemocratic results of no diversity and no new ideas. In the event that there isn't an anybody-but-the-incumbent campaign, then ranked ballots in this sense would be superfluous.

What ranked ballots do ensure is that a plurality of electors does not necessarily by majority elect a councillor. This concept in and of itself is noble and may add some greater legitimacy to our electoral process, but it does not necessarily lead to greater diversity or new ideas.

Those who oppose term limits often cite the fact that an electorate can lose out on an effective representative, and I don't dispute that that is a real possibility. But I will submit this: It has two very troubling implications. The first is that public service is anything other than a privilege and not a right that itself necessitates healthy turnover and renewal—the second implication being that aside from a certain number of councillors who are serving on council, there is no sufficient talent pool of potential candidates in our cities who can perform at least as well, if not better than, the incumbents. So to accept this argument against term limits without at least a healthy degree of skepticism is to accept an incredibly cynical and perhaps even offensive view of new candidates, and particularly youth, and sadly confuses longevity in career politics with expertise.

My request today can be summarized as this: to amend the bill such that it either includes the concept of term limits so that municipalities can—the same way as instituting ranked ballots—do so by bylaw or referendum, or broaden the language such that in the future municipalities can adopt whichever democratic reform they feel they want to adopt at that point in time through the same means—bylaw or referendum.

At the outset of this submission I pointed to a lack of diversity on Toronto city council and I provided examples of poor conduct by some councillors. This is not to say all are poor; many of them are exceptional councillors. One in particular, who is the Chair of this committee, did a very excellent job on city council when he was there.

Mr. Percy Hatfield: So you say.

Mr. Tim Hudak: We'll send him back, if you'd like.

The Chair (Mr. Peter Z. Milczyn): I term-limited myself.

Mr. David Mousavi: He's done it to himself. Thank you very much.

But as I was saying, both these types of issues were the impetus behind the grassroots campaign, so much so that the city of the Toronto in 2014 passed a bylaw that they would support ranked ballots for the city of Toronto but only a year later, after the election in October 2015, passed another bylaw to reject it. This is despite widespread support in the province, in the city, in our municipalities and in the public for ranked ballots.

Mr. Tim Hudak: No—sorry.

Mr. David Mousavi: I would say so.

When it comes to municipal term limits, the same can be said. We have a quarter of city council in Toronto that supports term limits, yet in a Forum poll, roughly 60% of Torontonians said they were in favour of term limits. So city council clearly is in no position to actually reflect that will, nor should they be able to hide behind the inability on their part to pass a bylaw to do so and to point at the province and say, "We don't have the power."

It's not lost on me that there is no perfect answer to this system. I accept that. Are there valid reasons for term limits? Yes. Are there valid reasons against term limits? Absolutely. But ultimately, this will entail a balancing act and, in my opinion, I respectfully submit that the negative consequences for a municipality with term limits are far outweighed by the positive outcomes and new ideas, new energy and a more representative democracy that comes with that.

Thank you very much.

The Chair (Mr. Peter Z. Milczyn): Thank you. We'll start this round with Mr. Hatfield.

Mr. Percy Hatfield: Other than Canada's Senate, which has an age limit—once you hit 75 or something, you're out—can you point to anything in Canada, any elected body of any kind, that has a term limit?

Mr. David Mousavi: No, I can't at this moment and, respectfully, I don't think it's relevant. I think of good governance principles. I can think of many organizations that have term limits in their charter which require board members to step down. It's a good-governance principle that's expressed by the Institute of Corporate Directors. I don't think the fact that it's not seen anywhere in a government body is a rationale to exclude it.

Mr. Percy Hatfield: All right. If I change my name to Ford, could I get elected in Toronto at any municipal level?

Mr. David Mousavi: I think you raise a good point about family members running on name recognition. As I said, there is absolutely no way to have a perfect system, but that said, just because we've pointed to one issue, it doesn't mean we don't try to resolve another one. I think we should cross that bridge when we get there. There are city councillors right now who are heirs, if you will. I'm sure it happens at different levels of government, as well. But as I said, I think the negative consequences are far outweighed by the positives.

Mr. Percy Hatfield: I'm sure if I changed my name to Hardeman and ran in Oxford I could get elected to municipal council too. If I ran as Ernest Hardeman, could I get elected in Oxford?

The Chair (Mr. Peter Z. Milczyn): The questions are to the witness.

Mr. Ernie Hardeman: I'm not sure you could get elected in Oxford with any name under any circumstances.

Mr. Percy Hatfield: They don't like New Democrats in Oxford?

Mr. Ernie Hardeman: No, I didn't say—

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, I assume you're finished.

Mr. Percy Hatfield: I'm sorry, David—

The Chair (Mr. Peter Z. Milczyn): You are now.

The next question: Mr. Dong.

Mr. Han Dong: First of all, David, it's good to see you. I haven't seen you in a while.

Mr. David Mousavi: Thank you.

Mr. Han Dong: It's good to know that you are still very active in advocating on behalf of the community.

Just for my clarification, in your remarks—I think you believe that the city's reversal of their position on ranked ballots does not reflect or does not represent the overall consensus, if you will, of the city.

Mr. David Mousavi: That's correct.

Mr. Han Dong: Okay, good to know. And also, you talked about the incumbent having a large advantage over any challengers. I just want to point out that in any election the goal is to elect the best person to represent your community. It's perhaps not to elect and change seats and get a new person in all the time. Having said that, I think you probably recognize that in this bill we are proposing changes to ensure transparency, accountability and fair practice, especially in the areas of finance practices. Are you supportive of that?

Mr. David Mousavi: Absolutely.

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Mr. Han Dong: Good. The other thing I want to ask you is: What is your view on giving the municipalities the choice to ban corporate and union donations?

Mr. David Mousavi: I know that the city of Toronto has already done it. I don't think it's a bad decision to let the municipalities decide on their own. Ultimately, anything that allows the electorate to have a greater say in how they are governed, or in the rules that govern their elections, is a much better result than having a situation where some who may be self-interested will point to the province and say, "I don't have the power to make that change." It creates a real moral hazard and a governance issue.

Mr. Han Dong: Okay. My last question is: What's your view on the shorter writ period?

Mr. David Mousavi: Sorry—on the shorter writ period?

Mr. Han Dong: The shorter writ period.

Mr. David Mousavi: In municipal elections?

Mr. Han Dong: Yes.

Mr. David Mousavi: Unfortunately, it tends to favour incumbents far more than it does new entrants. It minimizes the time period that you can fundraise. It minimizes the time that you can advertise. All these things come

back to name recognition. If you're up against someone who has run for a number of years or who has been there for decades, then reducing that time period only acts to work against the new entrants.

Mr. Han Dong: But at the same time, we hear the argument that if there's a longer writ period, they can start early on and they're not doing the work in the office that they're supposed to, but start campaigning very early on.

Mr. David Mousavi: Sorry, can you repeat the question?

Mr. Han Dong: Making them less effective as an elected representative.

Mr. David Mousavi: There's an argument to be made that they're campaigning for four years anyway. I think that the longer scrutiny that there is on the way people spend money vis-à-vis the election campaign, the better. That's why I say it should be longer. Does that necessarily happen now, with the nearly-year-long writ period in municipal elections? No, but I'm not sure if the answer is in shortening the writ period.

Mr. Han Dong: Okay, thank you.

The Chair (Mr. Peter Z. Milczyn): Mr. Hudak.

Mr. Tim Hudak: Mr. Mousavi, thanks. Good job. You put in an intriguing question. I've not been here at the committee the whole time, so I don't know if anybody else has talked about term limits for municipal councillors.

Here's my concern. We've got a great country in Canada. People want to be more like us as opposed to us wanting to be more like others. That's why I oppose ranked ballots, because inserting the system that's in Papua New Guinea and Fiji into our democracy, I think, would be a mistake.

Term limits are usually an American phenomenon, so I'm also cautious about this. I usually would be of the view that we should let people decide every three years or every four years.

What's your point of view on a referendum around that, particularly if citizens could initiate a referendum? I think sitting politicians would be very unlikely to impose term limits on themselves. How about—putting the shoe on the other foot—if a citizens' group wanted to do that?

Mr. David Mousavi: If the citizens' group wanted to impose term limits on their councillors by way of a referendum?

Mr. Tim Hudak: Yes, the ability to get a referendum on it.

Mr. David Mousavi: I'm okay with that, as I am with passing a bylaw. I think anything that gives the electorate an option to express that opinion is better than not.

Mr. Tim Hudak: I think you make a good point. If you're worried about incumbency, and that's the greatest sin that you wanted to treat, I think term limits would be probably the most effective method of doing so.

I actually think ranked ballots will strengthen incumbency, based on simple name recognition and the need to develop an even larger consensus to oust somebody. It would be more difficult, and incumbents will like that

system. But I appreciate your point, and I'm going to have to think a lot about that. You actually do believe, though, that municipal politicians would impose term limits on themselves?

Mr. David Mousavi: I think that the grassroots movement wouldn't have to go through a process where all of us are sitting here today.

Mr. Tim Hudak: The other one I worry about is trustees. I think the factors that you pointed out with municipal politicians are even greater for trustees. There just are fewer people that follow trustee elections. Do you have a point of view on school board elections?

Mr. David Mousavi: I don't think it's much different. I should be a little bit clearer: My submissions aren't necessarily—granted, it was based on the city of Toronto and the council. I would say it's more from a governance perspective anyway.

So putting aside the fact that this is elected office, just think of it from a governance perspective. If you are on a board, many of which are possibly funded by the province, the city or the federal government, there are rules in place to ensure, from a governance perspective, that you have healthy turnover. People being able to stay there long, unfortunately, can lead to governance issues. I look at it from that perspective.

I think the best scenario is probably ranked ballots plus term limits. But, you know, that's my opinion.

Mr. Tim Hudak: Super. You did a very thoughtful presentation, and I appreciate it. Thank you.

Mr. David Mousavi: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Mousavi, if you do have anything further you'd like to submit in writing, you have until 6 p.m. today.

Mr. David Mousavi: No. Thank you all very much.

Mr. Percy Hatfield: Have you run before?

Mr. David Mousavi: Sorry?

Mr. Percy Hatfield: Have you run?

Mr. David Mousavi: I have, yes.

The Chair (Mr. Peter Z. Milczyn): Our next witness, Satinder Singh Rai, is not here yet, so we will recess until—

Mr. Percy Hatfield: I don't have him on my list. He's not on the list I have. How many more do we have?

The Chair (Mr. Peter Z. Milczyn): Just one: Sustainable Vaughan.

Interjections.

The Chair (Mr. Peter Z. Milczyn): In any case, this individual is not here. They were scheduled for 5:20. We understand that the Clerk did contact them and they are on their way here, so we shall recess until 5:20.

The committee recessed from 1655 to 1656.

SUSTAINABLE VAUGHAN

The Chair (Mr. Peter Z. Milczyn): Committee is back in session.

Mr. Ernie Hardeman: That was close.

The Chair (Mr. Peter Z. Milczyn): Yes.

Good afternoon. We are running a little bit ahead of schedule, so we had a gap. You have up to 10 minutes for your presentation. If you could, at the start of your presentation, please state your name for the official record.

Before you start, if you have any written materials, please let the Clerk know, to distribute them. You can sit down; the Clerk will come to you.

Start whenever you're ready.

Mr. Satinder Rai: Thank you for giving me the time to speak on this bill. The name is Satinder Rai, and I'm representing Sustainable Vaughan.

I'm here to speak against elements of Bill 181 that may have the unintended consequences that prevent not-for-profits from participating in issues-based advocacy during municipal election campaigns across Ontario. Community not-for-profits like mine do not engage in municipal issues for personal or corporate gain.

I have a role in my community to enhance the public good, and I often take great risk in doing so. I'm not a third party, nor is the work I do advertising. My work advocating for the community is at risk due to the ambiguity in the definitions of both "third party" and "advertising" within this bill. The net being cast is too wide.

In smaller communities where media isn't able to provide a full range of opinions, organizations such as mine are invaluable in informing citizens of much-needed facts. Being from the community I advocate for makes it all the more important that I be allowed to speak out, send emails, create blog posts, write opinion pieces and make flyers, buttons and lawn signs without anyone's formal consent.

Limiting participation erodes democracy; it doesn't enhance it. Informing citizens on issues that impact them allows for healthy debates and should be encouraged, not deterred. The unintended consequences of this bill on deterring participation need to be seriously considered.

Current laws prevent me from making false claims, slander and hateful commentary. If politicians are unable to deal with an organized citizenry, then they should reconsider their career choices.

I'm also here to speak in support of the banning of union and corporate donations to municipal campaigns. The voter turnout in the 2014 municipal election in Vaughan was 30.28%. This is shockingly low for a municipality with both high home ownership and incomes.

I'm just going to jump ahead, to save time.

The banning of corporate and union donations to municipal election campaigns needs to be mandatory. In its current form, subsection 88.15 (1) reads: "A municipality may by by-law prohibit corporations that carry on business in Ontario and trade unions that hold bargaining rights for employees in Ontario from making a contribution to or for any candidate for an office on the council of the municipality." This needs to be changed to state that municipalities must ban corporate and union contributions, and this must happen prior to the next municipal election.

The majority of councillors in Vaughan have no reason to make this change, because the current undemo-

cratic system is working for them. Vaughan has been known to drag its feet for years on other provincially mandated reforms. Don't let them do it to this one.

An example of this is Bill 140, the Strong Communities through Affordable Housing Act, 2011. This act requires all municipalities in Ontario to provide legislation to legalize secondary suites or basement apartments. The province left the timing of legislation up to municipalities. It's 2016, and secondary suite legislation has not been passed in Vaughan. By not placing a mandatory timeline on this legislation, Vaughan will continue to drag its feet.

To reiterate, municipalities must ban corporate and union contributions, and this must happen prior to the next municipal election. I believe that these two changes will help strengthen the current legislation and help to alleviate the current apathy in municipal elections that exists.

Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. In this round of questions, we start with the government side: Ms. Vernile.

Ms. Daiene Vernile: Thank you very much for coming in and appearing before this committee and for showing up right at the right time before we began to lose everyone. You're the last person who stands between us and our dinner and the end of the week, so good to have you here.

You are with a group called Sustainable Vaughan. Do you inform people during an election campaign to endorse a particular candidate? Do you tell voters how to vote?

Mr. Satinder Rai: No. What we do is inform the citizenry. As a not-for-profit, our role has always been to uncover issues that aren't represented in the media. The media is very small in places like Vaughan, believe it or not. Even you do read about some issues, there are a lot of things that are not covered by small local media outlets. What we do is help provide information, to allow people to make an informed decision. That may be calling out politicians on certain things that they voted for or against at council. But, again, that's just to reiterate information that's already available out there. We do not take a stand on actually telling people who to vote for.

Ms. Daiene Vernile: So you don't endorse candidates?

Mr. Satinder Rai: No.

Ms. Daiene Vernile: Are there any other parts of this act that concern you? Ranked ballots, for instance?

Mr. Satinder Rai: No. The one issue that I didn't have time to speak about was just the contributions. I think that one of the issues we have is that you have a lot of developers, that are mainly family-run businesses, that campaign through multiple family members as personal donations, corporate donations and registered Ontario named companies.

I think the other issue is: How do you limit the amount of money that's given per municipality by a particular

individual, so that you're not having a de facto corporate donation through personal means?

Ms. Daiene Vernile: We had a number of individuals before you who spoke to that as well.

In your view, how do you see the non-profit sector participating more effectively in municipal elections? Do you feel that you require a bigger platform or more power?

Mr. Satinder Rai: No. I think that the way it works now, I've been able to operate without having to register—a registered not-for-profit, so that alone allows some accountability and some transparency in terms of the funds and the work I do.

I think that there's a danger, and we've seen it in Vaughan, where there are a lot of organizations that have come out with ambiguous ties to different companies. What does happen in Vaughan is that you do have advocacy against certain campaigns, but you can never find out who was behind it—the corporation, or the not-for-profit, or the individual who is doing it.

I think that with not-for-profits, we're very transparent, allowing us to participate. That may be to advocate for a municipal politician or not. I think that just being a not-for-profit has enough transparency there.

Ms. Daiene Vernile: Thank you very much.

The Chair (Mr. Peter Z. Milczyn): Mr. Hudak.

Mr. Tim Hudak: Mr. Hardeman has a question too, so I'll just be fast.

I can imagine that in Vaughan, there would be a likelihood that a municipal campaign may revolve around a single issue—by way of example, development of part of the whitebelt—and people would be pro or con.

I would think that if your group took a position, though, to me, that would be advertising. You may not endorse a candidate directly, but by advocating a certain position, you're sending a signal. So why should there be an exemption for advocacy here? I think that there should be a fair and level playing field, whether you endorse a candidate or you endorse a position.

Mr. Satinder Rai: The work I do is really information-based. I think that's one of the issues that I've found in Vaughan, at first, living there. People commute a lot. They have families, and their time and ability to actually get engaged in issues is really limited.

Like I was saying, the media is generally focused on Toronto. Smaller communities lack the ability to get engaged into a number of layers, especially land use planning, which is quite complex and involved, and people tend to be turned off.

But by providing information—which I don't find is advertising—I feel that that has only helped the conversation in Vaughan related to land use planning. I'm not anti-development, and my stance is really about promoting current legislation most of the time. I think having informed citizenry is very democratic and something to be championed.

Mr. Ernie Hardeman: I just want to point out, then, that we've had other presenters with the same issue,

wanting to have a clearer definition of what “advertising” is, so if someone is just speaking out in general terms on an issue that is not related necessarily—it’s related to what may happen, depending on who wins an election, but it’s just informing people about an issue—whether that would be advertising. I think a clearer definition of what that is—you mentioned in yours that if you want to send emails, create blogs and write opinion pieces, it should be identified whether that is advertising or whether it isn’t, and I would agree with that.

I just want to point out that the issue of advertising in general, whether it’s a small amount or a large amount, if it’s for the wrong purpose—we should have some method of controlling that. On that, would you think that putting better limits in would be an answer?

Mr. Satinder Rai: I won’t answer that directly. What I’ll say is that what I meant by the net being cast too large is that I don’t want to be limited because I’m living in a community that I advocate for. I don’t have any intentions of running or making money, so the issues are personal. Speaking from that perspective, the scale that I operate on is quite small, yes. But in terms of that larger net, I think that’s a bit more complex issue that I’d probably—

Mr. Ernie Hardeman: But you would see it as appropriate to put a limit on where you started calling it advertising?

The Chair (Mr. Peter Z. Milczyn): That’s the three minutes, Mr. Hardeman.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: Welcome. Thanks for coming. I’m from Windsor. I don’t know Sustainable Vaughan. What is it?

Mr. Satinder Rai: It’s a not-for profit. It’s an advocacy group started largely to help to limit sprawl and to encourage public transit investment. So it’s a grassroots community organization.

Mr. Percy Hatfield: Okay, good. Thank you.

Should there be, or what should be, a spending limit for non-profits to have a voice but not risk censure for participating in a municipal election?

Mr. Satinder Rai: For myself, I don’t really count how much money I’ve spent of my own. I wouldn’t be ready to speak to a limit.

Mr. Percy Hatfield: Like \$500, \$1,000 or something?

Mr. Satinder Rai: I think it would be hard to gauge. Information and advocacy and enhancing democracy—I don’t know how to put a price tag on it.

Mr. Percy Hatfield: Would you put a price on the value of paid staff from a developer or a real estate office volunteering at a candidate’s campaign office? How would you regulate that?

Mr. Satinder Rai: That’s a different issue. For me, my opinion is, yes, I think that’s one of the things the bill should really take a look at, because it happens both with corporations and with unions, and that’s something that should be enhanced: the ability to help stop what’s called volunteer work but isn’t really volunteer work because it is paid for by someone else.

Mr. Percy Hatfield: We’ve heard from previous presenters that corporate donors spend a lot of money on campaigns. Unions spend not so much, but we’re going to put them all in together. Have you seen in Vaughan, in any experience of yours, that unions make a big input in Vaughan, or—

Mr. Satinder Rai: Well, I think what’s interesting is that in the carpenters’ union case, they’re pro-development, so they are not always at odds with each other in terms of campaign donations; there’s an incentive when there is money involved.

Mr. Percy Hatfield: There are some unions that give—

Mr. Satinder Rai: Yes. I don’t think it’s always black and white, that unions are left-leaning and corporations are right-leaning.

Mr. Percy Hatfield: Okay. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much, sir, for your presentation. We’ve got your written materials. If there’s anything further, you have until 6 p.m. to submit it to the Clerk. Thank you.

Mr. Satinder Rai: Thank you.

The Chair (Mr. Peter Z. Milczyn): To members of the committee, I have a couple of housekeeping things.

Amendments may, of course, be tabled during the clause-by-clause consideration. However, if you could submit them to the Clerk by 6 p.m. on Monday, May 16, then the Clerk will ensure that they’re printed and distributed to all offices. Otherwise, we will adjourn until 9 a.m. on Thursday, May 19, to consider clause-by-clause of Bill 181.

The committee adjourned at 1710.

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Standing Committee on Finance and Economic Affairs

Municipal Elections
Modernization Act, 2016

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRSCOMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES

Thursday 19 May 2016

Jeudi 19 mai 2016

*The committee met at 0901 in room 151.*MUNICIPAL ELECTIONS
MODERNIZATION ACT, 2016LOI DE 2016 SUR LA MODERNISATION
DES ÉLECTIONS MUNICIPALES

Consideration of the following bill:

Bill 181, An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts / Projet de loi 181, Loi modifiant la Loi de 1996 sur les élections municipales et apportant des modifications complémentaires à d'autres lois.

The Chair (Mr. Peter Z. Milczyn): Good morning. We're assembled here for clause-by-clause consideration of Bill 181, An Act to amend the Municipal Elections Act, 1996—

Interjection.

The Chair (Mr. Peter Z. Milczyn): Mr. Dong, I hope I don't have to speak even louder—and to make complementary amendments to other Acts.

Laura Hopkins from legislative counsel is here to assist us with our work, should we have any questions for her. A copy of the numbered amendments received thus far is on your desk. The amendments have been numbered in the order in which the sections appear in the bill.

Are there any questions before we start? Before we begin—

Mr. Ernie Hardeman: Chair?

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: Yes, Mr. Chair, and thank you very much for your kind prelude here.

I'm just a little concerned. We're going to deal with the amendments today, but I've been reading the paper the last couple of days and the minister seems to be referring to items that are not in the bill—that they are, and if they aren't, he's going to put them in. I wondered if we could get any direction from the government as to whether we're going to do what the minister says in the paper or whether we're going to do the amendments that the government has put forward.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: I think we have a number of amendments in front of us from all sides. I would suggest that we carry on with the agenda of today, not speculate on what might happen down the road.

The Chair (Mr. Peter Z. Milczyn): Any further questions?

Before we begin section 1, I will allow each party to make some brief comments on the bill as a whole, if they choose to. Afterwards, debate should be limited to the section or amendment under consideration. Are there any opening comments? No? Very well.

On amendment number 1 to subsection 1(3.1), subsection 1(1) of the Municipal Elections Act, Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 1 of the bill be amended by adding the following subsection:

“(3.1) Subsection 1(1) of the act is amended by adding the following definition:

““Minister” means the Minister of Municipal Affairs and Housing or any other member of the executive council to whom the responsibility for the administration for this act is assigned under the Executive Council Act; (“ministre”)”

It's just a housekeeping thing to make sure that in every place in the bill where it refers to “minister,” everyone knows that it's the Minister of Municipal Affairs and Housing. I think it's particularly important because the elections may not be under the purview of the Minister of Municipal Affairs in everyone's mind, as democratic reform—or some other type of minister. I put in the definition so it would be everywhere in the act.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: I recommend opposing the motion for the simple reason that “minister” is defined in the Municipal Act, and the act specifies that the definition applies to all other acts affecting or relating to municipal matters. I don't think this is necessary.

The Chair (Mr. Peter Z. Milczyn): Further discussion on the amendment?

Mr. Ernie Hardeman: Recorded vote.

Ayes

Hardeman, Walker.

Nays

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment does not carry.

Motion number 1.1: Mr. Hatfield?

Mr. Percy Hatfield: I move that the definition of “third party advertisement” in subsection 1(1) of the Municipal Elections Act, 1996, as set out in subsection 1(6) of the bill, be amended by striking out “or an issue”.

The Chair (Mr. Peter Z. Milczyn): Discussion?

Mr. Percy Hatfield: I think it's self-explanatory.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi?

Mr. Lou Rinaldi: I recommend opposing the motion. It was never our intent to limit advocacy or expression around issues throughout municipal election campaigns. We want non-profit groups and charities to continue to be able to provide valuable contributions to the dialogue surrounding municipal elections. That's why we propose to exempt issue-based advertising from the proposed third-party advertising framework. In this way, third-party advertising will only include support or opposition of a candidate or a specific answer to a question in a ballot.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman?

Mr. Ernie Hardeman: I think that there was obviously a good reason to put the issues in, I'm sure, when the bill was drafted. I think, rather than take it out, I would suggest that I move a motion to amend the amendment that instead of just taking out “issue,” we take it out and put in “includes advertising that takes a position on an issue with which a registered party or candidate is associated.”

It covers off the need for which the original issue was in there. Because that's the issue: If a candidate stands for that issue, and you start advertising on that particular issue, it become obvious why you're doing that, whether it's for or against. If you add that in there, I think that way it will cover off everybody's needs.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman, do you have your amendment in writing?

Mr. Ernie Hardeman: I have it here in writing, yes, but I don't have it for everyone.

The Chair (Mr. Peter Z. Milczyn): Well, we can have a brief recess while the Clerk prepares a copy for everybody.

The committee recessed from 0908 to 0915.

The Chair (Mr. Peter Z. Milczyn): Committee is back in session. Mr. Hardeman, we were last dealing with your amendment to the amendment.

Mr. Ernie Hardeman: Yes, Mr. Chair. While we were waiting for the amendment to be copied, I was leafing through my book. Actually, the next amendment is an amendment that the government is putting forward on the same section of the bill. I would suggest that, for my amendment, I would be looking forward to moving it in that motion instead of this one.

The Chair (Mr. Peter Z. Milczyn): So you're withdrawing your amendment to 1.1.

Mr. Ernie Hardeman: I'm withdrawing the amendment to that one, yes.

The Chair (Mr. Peter Z. Milczyn): All right. Is there any further discussion on 1.1? No? Mr. Hardeman has withdrawn his amendment to Mr. Hatfield's amendment.

On Mr. Hatfield's amendment, if there is no further discussion, all in favour? Opposed? That does not carry.

The next motion, 1.2: That motion is dependent upon the passage of motion number 1.4, so I would suggest that we stand down 1.2 until we get to 1.4.

The next amendment, 1.2.1: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that the definition of “third party advertisement” in subsection 1(1) of the Municipal Elections Act, 1996, as set out in subsection 1(6) of the bill, be struck out and the following substituted:

“‘third party advertisement’ means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing,

“(a) a candidate, or

“(b) a ‘yes’ or ‘no’ answer to a question referred to in subsection 8(1), (2) or (3),

“but does not include an advertisement by or under the direction of a candidate or an advertisement described in subsection (2) or (2.1); (‘publicité de tiers’)”

The Chair (Mr. Peter Z. Milczyn): Discussion?

Mr. Lou Rinaldi: Chair, this would allow groups and charities that undertake public outreach on issues as matters of normal business to continue to do so during an election period, without being subject to a third-party advertising framework.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield. Sorry, Mr. Hardeman.

Mr. Percy Hatfield: Grow a moustache, Ernie.

The Chair (Mr. Peter Z. Milczyn): My apologies to Mr. Hatfield.

Mr. Percy Hatfield: It's okay. I'll put my hand over it.

Mr. Ernie Hardeman: Mr. Chair, in relation to the amendment that's before us, I have a concern. I understand the need for (b), which is “a ‘yes’ or ‘no’ answer to a question referred to....” This is the opportunity for municipalities to have other issues on the ballot, in fact. Then you would have to register as a third party to advertise one way or the other for that item that's on the ballot. You'd have to register to do that.

My concern with the amendment that I had previously, that I wish to put in the record now, is to deal with a different issue. This is about when you have an election and when there is an issue.

In my small community, they want to build a new community centre. We have two or three candidates on one side, and two or three candidates on the other side. Then you need to have something in this legislation that prevents the people who are going to be third-party advertisers on one side or the other, that they can't just go—because they're not considered a third party, they don't have to register and they can spend all of the money they want to fight that issue one way or the other. I think it's important that we cover that off. When it's an issues election, the deals with the candidate should be in there.

I have it printed here, and now I'll just read it; then we'll get it copied.

The Chair (Mr. Peter Z. Milczyn): Could you please read it?

Mr. Ernie Hardeman: I move that motion number 1.21 be amended by adding the following clause to the definition of “third party advertisement”:

“(c) an issue with which a candidate is associated.”

The Chair (Mr. Peter Z. Milczyn): We’ll recess again briefly so the Clerk can make copies. Recess for two minutes.

The committee recessed from 0921 to 0923.

The Chair (Mr. Peter Z. Milczyn): We’re back in session. The Clerk has distributed Mr. Hardeman’s amendment 1.2.1.1. Discussion?

Mr. Lou Rinaldi: Chair, this is way too broad. I recommend not supporting it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: I respect the parliamentary assistant’s opinion on that, but this is taken directly from legislation that the government introduced yesterday to deal with third-party advertising provincially. I see absolutely no reason why the government would not support it for municipalities in the same way, to identify what is considered third party. The main difference that we made in it is that we have taken out “position taken by a registered party” because obviously municipally we don’t have registered parties. That was the act that was introduced to deal with provincial politics; I can’t understand why they would not support putting it into municipal government.

The Chair (Mr. Peter Z. Milczyn): Further discussion? No? Then on Mr. Hardeman’s amendment to the amendment, 1.2.1.1, all in favour? Opposed? That does not carry.

Moving back to motion 1.2.1, is there any Further discussion on that? Mr. Hatfield.

Mr. Percy Hatfield: Technically speaking, Chair, it’s 1.21.

The Chair (Mr. Peter Z. Milczyn): No, that was a typo, Mr. Hatfield.

Mr. Percy Hatfield: Oh, it was a typo.

The Chair (Mr. Peter Z. Milczyn): It’s supposed to be 1.2.1. Otherwise, it would be 1.21.

Mr. Percy Hatfield: I’m only going by what I had in front of me.

The Chair (Mr. Peter Z. Milczyn): That was a typo, which the Clerk brought to my attention.

So on 1.2.1, further discussion? Mr. Hatfield.

Mr. Percy Hatfield: I’d just like to thank the government for bringing in—I mean, it shows that you listened to the people that came and said that you’re going to have a problem on the issues part of the third-party advertising. We had a briefing and a discussion with staff on that. I think you are to be commended for actually listening and bringing forth an amendment that, to me, make sense.

Mr. Lou Rinaldi: It happens once in a while.

Mr. Percy Hatfield: That’s why I thought I’d mention it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Yes. I’m on the other side of the issue. I want to suggest to the government that I’m disappointed that, in fact, a third party is different when it’s a municipal third party than when it’s a provincial third party. I just don’t think that’s appropriate. Where you have third-party advertising not allowed provincially, under exactly the same circumstances, we’re suggesting that municipally, they should have that.

I’m disappointed with that, and I’ll be voting against the amendment as it is.

The Chair (Mr. Peter Z. Milczyn): No Further discussion? All those in favour of the amendment? Opposed? The amendment carries.

The next amendment—yes, Mr.—

Mr. Ernie Hardeman: Did you quit calling for recorded votes, Mr. Chair?

The Chair (Mr. Peter Z. Milczyn): You did not ask for a recorded vote on that one.

Mr. Ernie Hardeman: No, but you were doing it anyway. It’s okay, but—

The Chair (Mr. Peter Z. Milczyn): No. No, we only—you asked for a recorded vote, I believe, on the first item. I called for a recorded vote. That was recorded. Otherwise, we’re just using a show of hands.

Mr. Ernie Hardeman: I would just ask that we have recorded votes on them all.

The Chair (Mr. Peter Z. Milczyn): Very well. We will have a recorded vote on each vote, then.

The next is 1.3. Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 1(2) of the Municipal Elections Act, 1996, as set out in subsection 1(7) of the bill, be amended by striking out “incurs no expenses, directly or indirectly, in relation to the advertisement” and by adding the following clauses:

“(a) incurs no expenses, directly or indirectly, in relation to the advertisement; or

“(b) has incurred a total of less than \$1,000 in expenses, directly or indirectly, in relation to advertisements in respect of the election in the municipality.”

The Chair (Mr. Peter Z. Milczyn): Discussion?

Mr. Percy Hatfield: There will be people out there who want to be involved on an issue. It may mean that they print up a flyer, they take it to their neighbours and they say, “You know, before you cast your vote, consider the ramifications.” This is how I see—the need to save this playground or the need to have a sidewalk in this neighbourhood. If they’re doing this because they really believe this is an important issue—“Don’t cut down the trees in our neighbourhood park” or whatever it is—but they’re not going to spend more than \$1,000 on this small, neighbourhood campaign, then I don’t see why they should have to register, then file income and expenses and do all that paperwork, and if they mess it up, they could run afoul of the law and be fined substantially for trying to be involved democratically.

Other jurisdictions have a limit of \$500. We’re suggesting \$1,000. To me, it shows that we’re listening to

the people that came and said, "Look, we want to be involved in little neighbourhood campaigns, but not at the expense of having to register and file information and keep up with the tax guys." I think we have to look after the people who want to be involved, but not involved to some great extent.

0930

Mr. Bill Walker: I just want to clarify, Mr. Hatfield: Can you tell me why \$1,000, as opposed to in other jurisdictions? I believe federally it's also \$500. So why the \$1,000? Why wouldn't we stay the same as the federal and other jurisdictions, for consistency?

Mr. Percy Hatfield: I agree. Do you want to bring it down to \$500? I'll support that.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, I think the spending limit of \$1,000 is high, especially in the context of some very small municipalities. All of us have travelled around the province and seen the sizes of some municipalities and, frankly, this will create some issues.

Mr. Percy Hatfield: Well, Chair, I'll just say that when the Ontario Nonprofit Network made their presentation, they were the ones that suggested a limit of \$1,000.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on motion number 1.3, a recorded vote has been requested.

Ayes

Hardeman, Hatfield, Walker.

Nays

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

The Chair (Mr. Peter Z. Milczyn): That does not carry.

Mr. Percy Hatfield: Do I hear the government saying \$500?

The Chair (Mr. Peter Z. Milczyn): This is not an auction, Mr. Hatfield.

The next motion is 1.3.1. Ms. Vernile?

Ms. Daiene Vernile: Just a point of order.

The Chair (Mr. Peter Z. Milczyn): Yes, Ms. Vernile?

Ms. Daiene Vernile: Not to criticize the Clerk but my surname is pronounced "Vernile."

The Clerk of the Committee (Mr. Eric Rennie): Oh, sorry.

Ms. Daiene Vernile: No worries. I've been called worse.

The Chair (Mr. Peter Z. Milczyn): So noted. Mr. Rinaldi?

Mr. Lou Rinaldi: I move that subsection 1(2) of the Municipal Elections Act, 1996, as set out in subsection 1(7) of the bill, be amended by striking out "directly or indirectly".

The Chair (Mr. Peter Z. Milczyn): Discussion? Mr. Hardeman.

Mr. Ernie Hardeman: I think I support this motion. I think that that's what we heard at committee, that there was a lot of concern about people who just wanted to make a statement and didn't want to have to be registered to do that, so I support this motion.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Percy Hatfield: I'll be supporting it as well, Chair.

The Chair (Mr. Peter Z. Milczyn): All right, so on amendment 1.3.1—we will be having recorded votes from here on in. That's what Mr. Hardeman requested.

Ayes

Albanese, Dong, Hardeman, Hatfield, Hoggarth, Rinaldi, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That motion carries.

We are now on 1.4. Just to remind committee members, we stepped over 1.2, so once we deal with 1.4, then we will go back to 1.2.

On 1.4, Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 1(7) of the bill be amended by adding the following subsection:

"Same

"(2.2) An advertisement is deemed not to be a third-party advertisement for the purposes of this act if the entity that causes the advertisement to appear in any broadcast, print, electronic or other medium is a registered charity within the meaning of subsection 248(1) of the Income Tax Act (Canada)."

The Chair (Mr. Peter Z. Milczyn): Discussion?

Mr. Percy Hatfield: This would exempt charities, which are already subject to restrictions on partisan advertising. They can't do it or they lose their charitable status, so this should be put into the bill to exempt charities from the legislation.

The Chair (Mr. Peter Z. Milczyn): Further discussion? None? So we'll vote on motion number 1.4.

Ayes

Hatfield.

Nays

Albanese, Dong, Hardeman, Hoggarth, Rinaldi, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That does not carry.

On motion 1.2, I'm ruling that this amendment is out of order, as it was dependent on a previous amendment that was lost.

Is there discussion on section 1? Further discussion on section 1? We'll call a vote on section 1, as amended. All the votes are recorded from here on in.

Ayes

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

Nays

Hardeman, Walker.

The Chair (Mr. Peter Z. Milczyn): The section passes.

There are no amendments proposed to sections 2 through 6, inclusive. Is there any discussion on those? Would committee members agree to vote on sections 2 through 6, inclusive, as a package?

Mr. Percy Hatfield: If I can move it, then I'll feel like I've accomplished something.

The Chair (Mr. Peter Z. Milczyn): We appreciate your interventions, Mr. Hatfield.

Is there any discussion on sections 2 through 6, inclusive? Shall sections 2 through 6, inclusive, be carried?

Ayes

Albanese, Dong, Hardeman, Hatfield, Hoggarth, Rinaldi, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): They carry.

Next is motion number 2: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsections 7(1) and (2) of the bill be struck out.

The Chair (Mr. Peter Z. Milczyn): Discussion? Mr. Hardeman.

Mr. Ernie Hardeman: The main purpose of this is that the deadlines for the submitting of the bylaws for putting things on the ballot should be the same for everyone and not different for municipalities, having to put it on sooner than the minister has to put it on. I think that it's more of a housekeeping thing than it is anything, but the timing just doesn't make sense.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Returning the deadline to June 1 will allow decisions to be made regarding these questions on the ballot after the campaign period has begun. This is consistent with other proposed requirements that decisions be made on ballot questions in advance of council members and school trustees becoming candidates. So I recommend opposing it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: I think that putting a deadline on when they have to have their consultation done may take away their ability to have sufficient consultations because it's so far before the actual deadline that they

have to have it completed. I see no reason why it wouldn't be sufficient to have it completed when the nominations are finished and they can put it on the ballot. It's not going to get printed on the ballot until they print ballots, so I don't see any reason why it needs to be rushed.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, shall motion number 2 be carried?

Ayes

Hardeman, Walker.

Nays

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

The Chair (Mr. Peter Z. Milczyn): It does not carry.

Section 7: Is there any further discussion on section 7? Seeing none, shall section 7 be carried?

Ayes

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

Nays

Hardeman, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 7 carries. Motion number 3: Mr. Hardeman.

0940

Mr. Ernie Hardeman: I move that clause 8.1(1)(a) of the Municipal Elections Act, 1996, as set out in subsection 8(1) of the bill, be amended by striking out "March 1" and substituting "April 15".

The Chair (Mr. Peter Z. Milczyn): Discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Again, this is moving the date of the municipal bylaw question from March to April 15. Bill 181 moves the deadline up to March 1. Previously it was set at 180 days. For the 2018 municipal election, setting the deadline to March 1 would mean that the question would be required to be submitted 239 days before the election instead of the previous 180 days.

We support municipal councils doing public consultations and we want to give them as much time as possible in order to do so. We didn't hear anything in our presentations—there was no one that said we needed to shorten that time or we needed to cut off the debate that they should have to put it in sooner so they couldn't change their mind on it and so forth.

The status quo has been working fairly well, and they've had the time to do the consultations. We shouldn't try to take time away time from their consultations.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I recommend not supporting this motion. If April 15 was the deadline to pass a bylaw to put a municipal question on the ballot, the deadline for the Chief Electoral Officer to decide an appeal will occur after nomination day. A timely deadline is required to allow clerks to finalize the ballots and have them printed prior to advance voting in the election.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: I just want to point out to the parliamentary assistant that we didn't have a single person from the administration who said that they needed more time to prepare the ballot with the 180 days that were available now for that process to happen, so why do we need to go to 239 days so council has to make that decision that much further down?

The other problem with it is that any issues that come up in those 239 days can no longer get on the ballot. We think that what we call the "dead period" for not being able to put something on the ballot being 180 days is considerably long enough, rather than going to 239 days.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on motion number 3, all those in favour?

Ayes

Hardeman, Walker.

Nays

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

The Chair (Mr. Peter Z. Milczyn): The motion does not carry.

On section 8, is there any further discussion? Seeing none, shall section 8 be carried?

Ayes

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

Nays

Hardeman, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 8 is carried.

There are no amendments tabled for sections 9 and 10. If members agree, can we vote on sections 9 and 10 together? Is there any discussion on those sections? No.

Ayes

Albanese, Dong, Hardeman, Hatfield, Hoggarth, Rinaldi, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): Sections 9 and 10 are carried.

Motion number 4: Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 12.1 of the Municipal Elections Act, 1996, as amended by section 11 of the bill, be amended by adding the following subsection:

"Consultation

"(2.1) In preparing the plan, the clerk shall consider input from accessibility advocates and any resources available from the office of the Chief Electoral Officer of the province of Ontario regarding barrier-free locations."

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chairman, I think it was the first or second presenter that spoke to us about the accessibility issues. He started off by telling us that it was well and good to prepare a plan, but unless there was something in the legislation that implemented the plan, it was going to be very difficult to make improvements in making sure that people with disabilities could vote just like everyone else. He thought it was very important that there was a little bit more bite in the bill to make sure that things were happening rather than things are just—yes, that's mandated, to prepare a plan, but there's nothing in the bill that says they have to implement the plan or that they even have to make everything accessible in it.

This one here is just to make sure that there's a bit of follow-up to it. It isn't onerous on anybody that they have to build new buildings or anything, it's just that there's follow-up on how they're going to deal with the accessibility issue in the municipal election.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi?

Mr. Lou Rinaldi: Municipalities and clerks are subject to the Accessibility for Ontarians with Disabilities Act that's in place now, so they have to meet a lot of those requirements that they plan to use. Clerks are already required to ensure that the voting places are accessible and will exercise discretion when finding appropriate resources to identify and reduce barriers in their municipalities. Frankly, municipalities should have some flexibility to address these needs based on local circumstances and this varies right across the spectrum.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: Yes, as Mr. Hardeman did, I listened intently to John Rae, our second delegation on this bill, the vice-chair of the Council of Canadians with Disabilities. I fully support the resolution. I see nothing wrong with suggesting to municipalities that they do have other resources available to them with expertise in a barrier-free Ontario. The more people that can be brought in to create barrier-free places for voting, techniques and technology the better. I will be supporting the motion.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman?

Mr. Ernie Hardeman: I think Mr. Hatfield makes a perfect point. Mr. Rae didn't say that preparing the plan was the wrong thing to do, but he was very concerned that the clerk, independently, may not be as well equipped to deal with all the challenges that the disability community faces. They should get as much information

and as much help in preparing that plan, and then getting it implemented, to deal with the shortcomings.

This really isn't about anything more than getting the right information to prepare a plan that will actually help people with disabilities, rather than just saying, "Yes, we have it accessible." What about the people whose disability isn't the stairs going in, it's other things? That should be part of the plan too. There's more than one disability.

This here says they should involve the disabled community in preparing the plan. I just can't believe that we're even having a discussion as to not putting it in—to make sure that we get as much information as we can to prepare the plan for the people that are disabled.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on motion number 4, all those in favour?

Ayes

Hardeman, Hatfield, Walker.

Nays

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

The Chair (Mr. Peter Z. Milczyn): The motion does not carry.

Mr. Hardeman: motion number 5.

Mr. Ernie Hardeman: I move that subsection 12.1(3) of the Municipal Elections Act, 1996, as set out in section 11 of the bill, be amended by adding "and about the implementation of the plan" after "disabilities".

The Chair (Mr. Peter Z. Milczyn): Discussion?

Mr. Ernie Hardeman: Again, currently, Bill 181 requires clerks to prepare an accessibility plan before the election. Although there is a requirement for them to report after the election, there is no requirement for that report to include any evaluation of the plan.

During the committee, John Rae of the Council of Canadians with Disabilities said, "Subsection 2 provides that the clerk shall prepare a plan regarding the identification, removal and prevention of barriers. That is a useful framework, but that's all it is: a framework. In order to be successful, it must be added to and made more robust and prescriptive."

0950

That was direct from the disability community. I think that it deals with the same thing that I said in the last motion, which is that more needs to be done than just saying, "Somebody without the disability should just go out and prepare a plan," but there's no one who oversees whether the plan actually accomplishes what it needs to do. This here is saying directly what we heard: "Get it done. Don't just pass it over."

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, the motion implies that implementation of the plan is different than the identification and removal of barriers to the municipal election.

This motion is duplicate and unnecessary, as the section already requires the clerks to report on the identification, removal and prevention of barriers.

The Chair (Mr. Peter Z. Milczyn): Ms. Vernile.

Ms. Daiene Vernile: I'd like to state for the record—and you may appreciate hearing this, Mr. Hardeman—that the AODA is reviewed every five years. It's being reviewed this year and will be in place and updated for the next election.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: I appreciate the comments. I will be supporting the motion from the official opposition.

I get regular updates from people involved in the disability community who regularly remind me that, despite the regular reviews of the AODA, the government is light-years behind in the promise and commitment to implement the recommendations of so many years ago. There's a timeline, there's a deadline for when things were supposed to be enacted, and they'll never get there, based on the evidence that the disability community sees so far.

It's one thing to say—with all due respect—that it's under review, when the disability advocates come to us and say, "We've got to have this plan. We support the plan, but you've got to make sure that it works, and you've got to make sure that we always continually improve the plan." Yet when you talk to various people within the disability community, they say that we're not doing enough. They had to raise the flag during the Pan Am Games about what was not happening on the disability front. At the Pan Am, Parapan American—whatever the title of the games is; it escapes me now—we had a lot of disabled athletes and their supporters in town. They kept telling us that we've got a lot more to do.

I just think that what has been suggested is not onerous. It's not picking on the government in any way. It's just trying to shape legislation that the disabled community would like to see, and would like to see implemented. I'll be supporting it.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: Well, just to wrap up, I think the act says that the clerk must prepare a plan, but that's all it says about it. It doesn't say that they have to evaluate the plan. It doesn't even have to measure up to see, after the fact, whether it accomplished anything. It just says, "They prepare a plan."

For those of us who sit in the House, which is everybody on the committee, you will know that there is quite often a disagreement about when somebody asks for a plan. One side says, "We have a plan," and the other side says, "You have no plan."

The truth is that it doesn't make any difference in this case. The clerk has to prepare one, but no one can ever ask whether it actually works or whether it meets all the objectives of the disability act. Unless somebody with a disability takes it to court, nothing happens.

This amendment would require clerks to report on the implementation of their accessibility plan: "That's your plan. How are you going to go about implementing it?" If nothing needs changing, then they're going to say, "It's all implemented." If something needs changing, "It's going to get done."

I just can't understand why this would not be a requirement.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I think that Mr. Hardeman started going down that road and I just want to finish what the legislation proposes to do.

Within 90 days—he's right—after voting day in the regular election, the clerk shall prepare a report about the identification, removal and prevention of barriers that affect the electors and candidates with a disability and shall make the report available to the public.

So there is a follow-up, obviously allowing some flexibility to that, but the follow-up will detail the outcome of them creating a plan that works. I think this is a bit more of a flexible approach. I think it addresses the issue that the message will get out there that we need to provide a safe and reliable place so that all our folks with disabilities can exercise their democratic right.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: I'll just go back to the other comment. John Rae of the Council of Canadians with Disabilities disagreed with the parliamentary assistant that that was good enough, what the bill does. He says we need it to do more: We needed to have some follow-up; we needed to make sure it was implemented. That's all this does. It doesn't require more expenditures. It doesn't require anything except that just preparing the plan is not enough; we have to help implement it. We have to make sure people with disabilities have the same opportunities as the rest of us when it comes time to vote.

I'll leave it at that.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I too know that they will be looking at the plan afterwards, but what concerns me is that if you don't have an implementation part of your plan—you're going to prepare a plan, but if you don't have goals and objectives to be met and implemented, when you go to do your follow-up report, you'll be reading material such as, "The original plan said we should remove barrier A. We were going to do that; then something happened. But we'll do it the next time," as opposed to a plan that says, "Remove barrier A by such-and-such a date and then have a follow-up to make sure that that is done prior to election day." That is your implementation plan that has been suggested in this amendment, as opposed to, "I have a plan and these are the barriers that should be removed," and then a follow-up report that says, "We had a plan to remove the barrier, but we didn't get around to it."

That's not good enough for the disabled community. They want to see goals and objectives. The implementation plan would set out those standards of barrier-free

access prior to the election. I think that's what is important in this proposal.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on motion number 5, all those in favour?

Ayes

Hardeman, Hatfield, Walker.

Nays

Albanese, Dong, Hoggarth, Rinaldi, Vernile.

The Chair (Mr. Peter Z. Milczyn): The motion does not carry.

On section 11, is there any further discussion? Seeing none, shall section 11 be carried? All those—oh, Ms. Vernile, do you want to—

Ms. Daiene Vernile: I'm voting.

The Chair (Mr. Peter Z. Milczyn): Okay. On section 11, shall it be carried?

Ayes

Albanese, Dong, Hardeman, Hoggarth, Rinaldi, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 11 is carried.

There are no amendments tabled to section 12. Is there any discussion? Seeing none, shall section 12 be carried?

Ayes

Albanese, Dong, Hardeman, Hatfield, Hoggarth, Rinaldi, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 12 is carried.

Motion 5.1. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 13 of the bill be amended by adding the following subsection:

"(0.1) Clause 17(2)(b) of the act is repealed and the following substituted:

“(b) is,

“(i) a Canadian citizen, or

“(ii) a permanent resident within the meaning of the Immigration and Refugee Protection Act (Canada) who meets the qualifications set out in the regulations;”

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The Chair (Mr. Peter Z. Milczyn): Discussion?

Mr. Percy Hatfield: I guess the bottom line is that this would allow for voting by permanent residents in the province of Ontario at the municipal level. It is something that has been talked about, more so in the larger metropolitan areas than others.

I believe Toronto city council, in June 2013, passed its electoral reform resolutions including that the city

council request the Minister of Municipal Affairs and Housing to amend the necessary legislation to allow permanent residents the right to vote in municipal elections.

North Bay has also passed such a resolution. There's a website, City Vote, that's out there, dedicated to this, spearheaded by Desmond Cole.

The Maytree Foundation, if I can use some of their quotes—actually, they were quoting a Toronto Star editorial, arguing that extending the voting right is a matter of fairness and a way of bridging urban divides. It may even open up the democratic process and help more visible minority candidates win elected office.

"As the Toronto Star editorial points out, around a quarter-million newcomers live, work and play, and send their kids to school in Toronto"—just in Toronto. "They pay taxes and, as consumers of goods and services, contribute to the economy of the country's largest city. However, they do not get to elect their local representatives because they are not yet citizens. As they tend to settle in communities with very high concentrations of permanent residents, this results in a diminished political voice for entire neighbourhoods.

"At Maytree we have been advocating for the need to extend this right by echoing the legal and constitutional case for it made by Canadian Civil Liberties Association and by supporting City Vote..."

"CCLA believes the right to vote is so fundamental to a democratic society that there must be an extraordinary reason to deny it."

Live here, Work here. Vote here. That's the tagline of City Vote's mission. It is to ensure that hundreds of thousands of permanent residents across Canada get to vote for their mayor, city councillor and school board trustee.

Now, it's becoming more of an issue than before "because a sharp increase in processing fees, longer residency requirements and the processing backlog could add more years to gain citizenship.

"Also, changes to the citizenship test have made it harder to pass."

If you look at the statistics, the pass rates have been dropping from 83% just a few years ago, in 2011, to 73% in 2012.

Toronto city council was among the first to recognize the need for change. It believes in extending the voting rights to permanent residents. While it is awaiting approval from the government, North Bay, as I said, also came into it.

If you look at it, it goes beyond Ontario. In Atlantic Canada, Halifax, Nova Scotia, and Saint John, New Brunswick, have voted to ask for provincial legislation allowing permanent residents to vote in municipal elections.

When you think about it, these are people that are here. They buy a home, they pay property taxes, or they rent, and their landlord may not live within the community. He may live out of town or out of country. But these are the people that use the transit system, use

our libraries, send their kids to school, buy goods and services. You would expect, because of that, they are fully participating in society. Therefore, they should have a right to decide at the municipal level—it's for school board trustees as well—who are the people who will be making the decisions that will affect the lives of my children or who will be affecting my neighbourhood.

Many of these newcomers are the first to volunteer at the church, volunteer on the sports field to coach the soccer teams or the basketball teams. To be fully welcomed into society, they should have the right to vote. We keep saying we're a changing demographic in Ontario. We have persons of colour and persons with disabilities coming here and not being able to exercise the right to vote at the municipal level, which is the most grassroots form of democracy.

All, I believe—many of us with past municipal experience—would agree that, at the municipal level, that is a more direct, hands-on contact with the voters, as opposed to—I come from Windsor. I'm up here four days a week. I'm not on the street every day, as a Toronto city councillor is, meeting with the people in his or her neighbourhood, hearing from those people directly, not by email or telephone. It's the same when we elect people at the federal level and send them to Ottawa.

Having a voice at the municipal level—if you go into a neighbourhood and you say, "These people can't vote for me; I'm not going to listen to them," as opposed to, "These people can vote; I better listen to them"—I think that's important. That's why I believe in giving the right to vote at the municipal level. I'm not talking about the provincial level, I'm not talking about the federal level, but at the municipal level for these people.

It's not just me. As I say, in city councils in Toronto, in North Bay, in Saint John, New Brunswick, and in Halifax, it's a growing thing.

You look at the new leader of the Conservative Party, Patrick Brown. He won the leadership vote by bringing in a whole bunch of newcomers to Ontario politics. I don't think there was anybody at the door saying, "Can I see your citizenship? Do you have the right to vote?" If you live in Ontario, you had the right to vote for a new leader. So why wouldn't you, at the same level, say, "You have the right to vote for your mayor or your city councillor or your school board trustee"? I just think it's an issue of fairness and I think it's high time we took the lead on it. Other people are ahead of us, but don't wait for it to become a fad and then finally catch up to it.

Let's take the lead on it and let's show the newcomers coming here that we value them and we respect them. Some of these people are coming here from countries where they've never had the right to vote. They're coming from regimes that denied them—or denied some of them, maybe their women—the right to vote, or whatever. They're coming here, and to feel great about living here, you give them the right to vote and make them feel more at home, and make them more aware of the true value they can bring to a democratic province and country by giving them the right to vote at the municipal level.

I fully support it. I hope you'll see your way fit to support it.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, obviously Mr. Hatfield has a lot of passion on this, and rightfully so, I must say.

The issue is we are now linked to Canadian citizenship on how we vote in municipal elections. At this time, the government does not have an appetite to change that.

Let me add a couple of things to that. Should we have a broader discussion on this issue? I think we should. I'm not sure that in the swipe of a pen here we should make those drastic decisions. I'm an immigrant. I was very, very fortunate that when I had the opportunity to vote for the very first time when I came of age, I was already a Canadian citizen.

As a young person—when I came here I was 12. I believe we had to be here five years back then to apply to become a Canadian citizen. Coming from the country where I was born, where elections seemed to be the norm every couple of months, sometimes a year—

Interjection: Eight months.

Mr. Lou Rinaldi: Eight months?

Interjection: It was the average, anyway.

Mr. Lou Rinaldi: So you got a lot of practice to vote. I think those folks were way more engaged in the voting process because they did it so many times.

I remember specifically one night, just before we went to meet the judge in a group setting to become citizens, my father said, "It's been a long time since we voted. This will give us an opportunity to vote." I remember that just as plainly as if it happened a minute ago.

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I'm not suggesting that's the only reason my mother and father and I—because I was young at the time—and my sister became Canadian citizens. This country adopted us and I'm very proud of it, and I'm also very proud to have roots from where I come from. But I think the reality of the day is that, should we go in that direction, as you're suggesting, as legislators, somewhere down the road or whenever—maybe it's a discussion we need to have.

I'm not saying no because the sky is going to fall in, but I'm not sure this is the appropriate time to engage in that discussion.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Well, I think Mr. Hatfield makes a very good case. I may be the only one in the committee who has been around long enough to remember when what he is suggesting was, in fact, the case. There was a time when, if you owned property, your nationality was not critical.

Having said that, I think we're going to be dealing with the Election Act further down about how we vote. My debate there will be that I think that should be a decision that the people beyond the present sitting government get to make. If you buy into that, then I think it makes reasonable sense to say that there's got to be more

input from the people of the province as to who votes, the same as how they vote.

I'm really torn between this because I agree with just about everything that Mr. Hatfield says—that people should have a right to vote. They pay the bills; they don't get a discount on their taxes in municipalities because they don't get to vote. There should be the same benefits for them, for the detriments that they have. But I do see the challenge with how the people should have a say in that.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Ms. Hoggarth.

Ms. Ann Hoggarth: I just want to chime in here. I think the people who now have the right to vote in municipal elections have worked very hard to become Canadian citizens in order to do that.

The other side of it is that if you allowed it to be someone who owned a house or owned property, that would mean Donald Trump would be able to vote in our municipal elections. I have great difficulty with someone who just owns property for a business and who is a citizen of another country voting in our elections, no matter what level it is.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: I won't belabour this. I'll just say that we often hear at the municipal level, "The province shouldn't be telling us what to do. We are a recognized, mature order of government and we should be making our own decisions." When you have the city council in Canada's largest city, the city of Toronto, voting for this right, asking the government for the ability to make this happen within their municipality, I think we should be listening. The people who elected the members of Toronto city council have as much voice and as much right to bring forth this kind of a change in the municipal electoral system, and we should leave it up to the municipalities to determine if that's what they want to do here.

Prior to this, we've talked about giving municipal councils the right to either hold a referendum or to make a change at the municipal level in certain aspects of this bill, and yet when they ask the government for the right to allow non-citizens to vote, we hear from the government, "No, we don't care what you think in Toronto. We don't care what you think in North Bay. We're going to shut you down." They don't want to hear that from the Legislature. They want to listen to the people that elected them, just as much as they elected us.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: I just wanted to clarify that Mr. Trump couldn't vote here because corporations can't vote in Ontario. The reason I say that is because that comes into it. Regardless of if he's not a Canadian and doesn't reside here, just owning property as a corporation wouldn't allow him to vote.

Mrs. Laura Albanese: He has an apartment downtown.

Ms. Ann Hoggarth: He has an apartment and pays taxes.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman has the floor.

Mr. Ernie Hardeman: But I do share your concern on the need to make sure that the people we all represent, who all had to be a citizen to vote, should have a say in whether we change that system. But having said that—

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman, I will cut you off. It is 10:15. We're obligated to recess now. We will pick this up. The committee will be recessed and we reconvene at 2 p.m. this afternoon.

The committee recessed from 1015 to 1400.

The Chair (Mr. Peter Z. Milczyn): Good afternoon. We'll reconvene and continue with our clause-by-clause consideration of Bill 181, An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts.

When we broke earlier today, Mr. Hardeman had the floor, and he was speaking to motion 5.1. Mr. Hardeman, do you want to continue?

Mr. Ernie Hardeman: Mr. Chair, the recess completely broke my chain of thought, so I have no more to say.

The Chair (Mr. Peter Z. Milczyn): I think you made your points before we broke.

Mr. Hatfield?

Mr. Percy Hatfield: Good afternoon. I'm just wondering, at the pleasure of the committee, if anyone wants me to do a 20-minute summary of what I said prior to the break so that we could know what we're voting on?

The Chair (Mr. Peter Z. Milczyn): Is there any further discussion?

Mr. Lou Rinaldi: I'm okay.

The Chair (Mr. Peter Z. Milczyn): So there is no further discussion? All right.

On the question on motion 5.1—to remind remembers, there has been a request that every vote be a recorded vote, so that's how we will proceed for the balance of the meeting. Shall motion 5.1 be carried?

Ayes

Hatfield.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The motion is lost.

Motion 5.2: Mr. Hatfield?

Mr. Percy Hatfield: Well, it was related to 5.1—

The Chair (Mr. Peter Z. Milczyn): Hold on. I apologize. I do have a ruling. I'm ruling this amendment out of order as it was dependent on the previous amendment, which was lost.

Mr. Percy Hatfield: Right. I was going to withdraw, but I'll accept your ruling.

The Chair (Mr. Peter Z. Milczyn): Thank you. I always welcome your assistance.

There are no further amendments to section 13. Is there any further discussion on section 13? Seeing none, shall section 13 be carried?

Ayes

Baker, Dong, Hardeman, Rinaldi, Thibeault, Vernile, Walker.

Nays

Hatfield.

The Chair (Mr. Peter Z. Milczyn): The section is carried.

There are no amendments tabled to sections 14, 15 and 16. If it's the pleasure of the committee, then I will call a vote on sections 14 through 16, inclusive. Shall sections 14 through 16, inclusive, be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): Those sections are carried.

Motion number 6: Mr. Hardeman?

Mr. Ernie Hardeman: I move that section 17 of the bill be amended by adding the following subsection:

“(0.1) Subsection 23(2) of the act is amended by striking out ‘September 1’ in the portion before clause (a) and substituting ‘the nomination day specified in section 31.’”

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman?

Mr. Ernie Hardeman: This amendment would require the clerk to have the municipal voters list reproduced on nomination day. Under Bill 181, nominations close in July, but candidates don't receive the voters list until September 1. It's unfair to force people to register that early and then refuse to give them the voters list so they can contact their voters. This will represent a real challenge for school board candidates who are trying to contact only their voters.

We believe that the solution is to move the nomination cut-off date later in the year and match the distribution of the voters list to the nomination day. This is the first of a couple of amendments to make that change.

The concern was also raised during committee that the clerk is unable to verify signatures on the nomination papers because they are due six weeks before the list is prepared. This would allow the clerk to verify the signatures.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I recommend against this particular motion. This change would conflict with section 19(1.1), which provides that the Municipal Property Assessment Corporation—MPAC—must deliver the preliminary list to the clerk no later than September 1.

It would also result in voters lists being distributed earlier in the election period, resulting in lower accuracy of the list that would be provided to the clerks and candidates.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chair, I think that the parliamentary assistant has, in fact, made my case for the fact that MPAC can't provide the list prior to what is in this piece of legislation.

Our recommendation, through this amendment, is to move that deadline for the nomination so it matches the two. It's very difficult for the people who are going to be involved in the election, particularly the candidates running for the school boards, where they have to divide the electors between public and separate school supporters, because if you're running for the separate school, you're only going to contact the people who are supporting the Catholic system. If you move that further towards that, so that it's at the same time as it comes out, that would solve that problem.

The other thing we did hear about from municipalities, that this bill doesn't deal with, is what they call the "lame-duck period" within councils. Most of the time, the lame-duck period is referring to the period between the election and the time that the new council takes over. But there's also a lame-duck period between the time that nominations take place and the day that the new council takes over. If, on nomination day, three quarters of the seats of council could change through the election, that means there's a whole number of things that council cannot do during that whole writ period. The extension of that writ period is not going to shorten that lame-duck period. It's actually going to lengthen the lame-duck period from July 1 all the way to election day, until the new council takes over, or whichever of those comes first. The council is going to be restricted on what they can do.

We heard presenters come forward with the fact that the period was already too long, and this is going to lengthen that even more. I think that it will be very helpful for municipalities to move that nomination day just a little bit further south.

The Chair (Mr. Peter Z. Milczyn): Thank you. Further discussion? Seeing no further discussion on motion number 6, shall it be carried?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The motion is lost.

Motion number 7: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 23(5) of the Municipal Elections Act, 1996, as set out in

subsection 17(3) of the bill, be amended by striking out "September 1" at the end and substituting "the nomination day specified in section 31".

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: This is similar to our last amendment. This is to ensure that candidates have access to the voters list when the campaign begins. Again, it's all the other issues that I brought up in the last one.

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The Chair (Mr. Peter Z. Milczyn): Thank you.

Mr. Ernie Hardeman: I'm sure, given the 50-50, that this time the parliamentary assistant is going to recommend that we support this one.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing no further discussion on motion number 7, shall the motion be carried?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The motion is lost.

Is there any further discussion on section 17? Seeing none, shall section 17 be carried?

Ayes

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

Nays

Hardeman, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 17 is carried.

There are no amendments tabled to sections 18 and 19, so with the agreement of the committee, we will vote on the two of them together.

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): Sections 18 and 19 are carried.

Motion 8, on subsection 20(1) of the bill: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that subsection 20(1) of the bill be struck out and the following substituted:

"20(1) Subsection 27(1) of the act is repealed and the following substituted:

"List of changes

"Interim list

“27(1) During the period beginning on September 15 and ending on September 25 in the year of a regular election, the clerk shall,

“(a) prepare an interim list of the changes to the voters’ list approved under sections 24 and 25 on or before September 15; and

“(b) give a copy of the interim list to each person who received a copy of the voters’ list under section 23 and to each certified candidate.”

Chair, this is really a technical fix to the original bill. This section provides the deadline for preparation of the interim changes to the voters list.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chair, we will be supporting this motion, but I guess it really shows that—in our previous motion, we were talking about changing the date because of the timing of the voters list. Now, because this is required, we have to have an interim voting list to take up that time between what should be the nomination day and the list day being the same day. It seems to be that we’re going the long way around to move the actual start of the election, instead of what it is in the bill now, to when the voters list is ready. We will support it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? On the amendment, shall the amendment be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. The amendment is carried.

There are no further amendments to section 20. There’s no further discussion. Shall section 20, as amended, be carried?

Ayes

Baker, Dong, Hardeman, Rinaldi, Thibeault, Vernile, Walker.

Nays

Hatfield.

The Chair (Mr. Peter Z. Milczyn): Section 20 is carried.

There are no amendments tabled to section 21. Is there any discussion? Shall section 21 be carried?

Ayes

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 21 is carried.

Section 22: Discussion? Mr. Hardeman.

Mr. Ernie Hardeman: That’s motion number 8?

The Chair (Mr. Peter Z. Milczyn): No, we’re on section 22. There are no amendments tabled for section 22.

Your party did file a notice of intent to vote against section 22.

Mr. Ernie Hardeman: Just quickly speaking to the motion—I think I spoke to it in the House and before. The suggestion that a volunteer firefighter should have to take a leave of absence to run for a seat on council: There’s absolutely nothing that the volunteer firefighter does that would in any way impact positively or negatively on, or give advantage or disadvantage to, their ability to run for council. It just seemed to me really awkward to suggest that, during the writ period—in fact, their neighbour’s house could be on fire, but they have taken a leave of absence so they can’t help put the neighbour’s fire out because they’re running for council. People who are volunteer firefighters and people who are on council, in my rural community, are doing both for the betterment of the community, and they, my friend, can do both at the same time.

I appreciate the fact that there is a suggestion here that the government agrees with me on this one and is going to do the same.

The Chair (Mr. Peter Z. Milczyn): Further discussion: Mr. Rinaldi?

Mr. Lou Rinaldi: I just want to recognize that we certainly are in agreement on this particular section. That’s why we have public hearings, right?

The Chair (Mr. Peter Z. Milczyn): Further discussion: Mr. Hatfield?

Mr. Percy Hatfield: I just should put it on the record as well that we had concerns with this section, and I’m glad that we’ve come to an agreement on it.

The Chair (Mr. Peter Z. Milczyn): Thank you. Shall section 22 be carried?

Nays

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Section 22 is lost.

Motion number 9, on section 23: Mr. Hatfield? Or—Mr. Hardeman. I’m sorry.

Mr. Percy Hatfield: I withdraw.

Mr. Ernie Hardeman: Thank you. You can read it, Percy.

I move that section 31 of the Municipal Elections Act, 1996, as set out in section 23 of the bill, be amended by striking out “July” and substituting “August”.

The Chair (Mr. Peter Z. Milczyn): Discussion? Mr. Hardeman.

Mr. Ernie Hardeman: The government is actually creating a municipal campaign that is significantly longer than before. We've heard a lot of discussion, both in hearings at this committee and prior to that, in the lead-up to the minister introducing the bill, that the election was too long. Nominations will now close about six weeks earlier, on the fourth Friday in July instead of the second Friday in September. This would result in a campaign longer than the last federal election, and we all, in our ridings, heard that that was too long. But this is actually making that period longer.

The longer campaign will not only be exhausting for the public; it would create real hardships for all of the people who are forced to take a leave of absence from their job to run for office. We just dealt with the fire department because it was more obvious there, but there are a lot of people in municipal politics who have jobs where they have to take leave from their jobs to run for office. Obviously, lengthening the time frame that much is going to be difficult for a lot of people.

The government has stated that more time is needed due to ranked ballots, so we have allowed an additional two weeks. This gives clerks the time they need while minimizing the hardship to potential candidates. Our amendment doesn't take it right back to the length that it was. But we believe that the benefit it will provide to all the candidates who are running will be greater this way than the harm it will be doing by shortening that length of time for the clerk to prepare the ballots.

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With the size of the ballot, there isn't that much difference between whether it's a ranked ballot or whether it's a regular ballot. It's the same piece of paper. We believe that giving the bit of extra time to put together the whole framework would be a good idea. That's why we think that should be changed to shorten the actual writ period.

The reason we're not shortening it at the front end, and it's been mentioned before, is with political parties, we have the ability to raise funds for elections all the way through the term. It doesn't stop. With municipal, they can't raise any money or spend any money until they register, so that, in essence, starts the campaign. We're concerned that if we shorten that down any more, they wouldn't have time to raise the money. This here will not change that date. It will give them the same length of time, and I think everyone would benefit from it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: The proposals presently in the proposed legislation were established with a working group between the Ministry of Municipal Affairs and Housing, municipal clerks, folks supporting ranked ballots and other community advocacy groups. There was a round table established. What's in the legislation presently was recommended by them.

I would suggest that we not support this amendment, but we stick with what's in the bill.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: I just want to say that I respect the comments of the parliamentary assistant, but of all the people we spoke to here, which all of us had the opportunity to consult with, not one person came forward and said that we needed to lengthen the distance between nomination closing and election day. They all spoke about reducing the front end of the timing, which was the January 1 amount. There were no presentations made to this committee that suggested that we needed a longer actual writ period, which was the day nominations close. They all dealt with nominations opening, not nominations closing.

I respect what the government will do with it, but I think this would help all municipalities out, and all the candidates.

The Chair (Mr. Peter Z. Milczyn): Further discussion? No? On motion number 9, the amendment to section 23.

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Is there any further discussion on section 23? Shall section 23 be carried?

Ayes

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

Nays

Hardeman, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 23 is carried.

Motion number 10, to subsection 24(1): Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 33(1.1) of the Municipal Elections Act, 1996, as set out in subsection 24(1) of the bill, be struck out and the following substituted:

"Endorsement of nominations for council

"(1.1) The nomination of a person for an office on a council must be endorsed by at least the following number of persons, and they may endorse more than one nomination:

"1. 100 persons, in the case of the nomination of a person for the office of mayor of the city of Toronto.

"2. 25 persons, in the case of the nomination of a person for any other office."

The Chair (Mr. Peter Z. Milczyn): Discussion?

Mr. Ernie Hardeman: This really is just to increase the number of signatures on the nomination papers. Of course, everyone will recognize the reason why I suggested that there be more for the mayor of Toronto. Ten people or 100 people, it doesn't make that much difference, but at least it shows a sign that they have to go further afield to get the signatures to make sure that there is some support.

We heard from numerous presenters that having too many non-serious candidates makes it more challenging for voters to find out where the candidates stand on the issues. This would increase the number of signatures to run for mayor of Toronto at 100.

In the last election, of the 65 candidates for mayor in Toronto, six candidates didn't get 100 votes. I think that expressed quite a problem as to how you deal with people who put their name in but are really not serious about running a campaign to become the mayor. This would mean that at least they'd have to get that many signatures to get into the race.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, I think we want a consistent process across the province. Elections are not just about elections in the city of Toronto. Mr. Hardeman will know that there are some very small communities in his riding, my riding and others across the province that this might create a challenge for. Frankly, we want to have some stability right across the province, and I suggest not supporting this.

The Chair (Mr. Peter Z. Milczyn): Further discussion? On the amendment to subsection 24(1), all those in favour?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

On motion 11, subsection 24(1): Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 33(1.2) of the Municipal Elections Act, 1996, as set out in subsection 24(1) of the bill, be amended by striking out "an office within the municipality" and substituting "the office for which the person is nominated".

The Chair (Mr. Peter Z. Milczyn): Discussion? Mr. Hardeman.

Mr. Ernie Hardeman: The reason for this—and it's no different from the previous discussion about how this isn't about Toronto; this is about all of Ontario—is that the situation is equal in all of Ontario and in my municipality of 9,000 people, that we have a ward system. In the act the way it is presently written, someone can run for a ward without a single signature from their ward. They

can get those signatures anywhere else in the municipality, rather than just in the ward.

I think it's very important that, if they're running for a certain area, the people in that area are the people who nominate him. The legislation presently doesn't do that. That's the reason for this amendment. So if you're running for ward 26, the signatures on your nomination must be from people who have the right to vote for you when the time comes. Presently, it just says you have to be from Toronto or, in my case, you have to be from South-West Oxford, and after you've got it signed by all the people in ward 1 you can go run in ward 9.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I think this makes for a bit of inconsistency, because the member would know that you don't have to run in the ward where you reside. You could run in any ward in that municipality so, frankly, it benefits everybody in that municipality. I recommend not supporting it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I was torn on this one, as a former city councillor from two different wards, after a boundary redistribution. Then, I thought, once I was elected on council, I wasn't making decisions as a ward councillor. For the most part, I was making decisions on a city-wide basis.

I accept the reasoning behind it, but on the other hand, I believe once you are elected to a body such as a municipal council, you don't confine yourself to making decisions just based on the interests of your ward as opposed to a city-wide population. So as much as I wrestled with it, at the end I think I just won't be able to support it.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman?

Mr. Ernie Hardeman: In answer to both the comments, I'm not suggesting that you should be from the ward you're running in but I believe those are the people you're going to represent. I do believe that they are the only people who should get to nominate you. It's their representative. The reason we have a ward system is so they can make that decision about who they're going to have representing them in the big picture at the city. Yes, the candidate would vote for the issues of the big city, but doing that in the frame of mind of the people they represent and how it will impact on them.

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If, in fact, you have no signatures from the people in the ward that you're running in, then there's no reason to have any signatures, because you have no direction from the people you're going to represent or, in fact, that you have that many people who want you to represent them, because that's not where you got the names. It comes down to, if you can get the signatures anywhere as a ward councillor, then you might as well not have signatures at all.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: I guess my experience reveals that it's not so much the support you get on the nomination form, it's the support you get at the ballot box. Regardless from whence your nominators come—ward or city-wide—it's the voters within the ward that you're running in that will decide your fate, whether their name is on your nomination form or not. I'll leave it at that.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Ernie Hardeman: I don't disagree with you, Mr. Hatfield, except, using that argument, why do we ask them to get any signatures? It's a lot of work. If the signature doesn't mean anything, because it's from someone who doesn't even have the ability to vote for you, then why does it matter that you got signatures at all?

The principle of it is that there is some sign that they have a certain amount of support—it's the same argument that I use for the mayors needing more—that there's some idea that you can get as many votes, at least, as the people who signed your nomination paper. But if they don't have to be from the office you're running for, then it doesn't tell you anything.

The second thing is that the parliamentary assistant suggested that it shouldn't be that way because you don't have to live in your ward. I totally agree, but if you don't live in your ward and run in that ward anyway, you can't vote for yourself in that ward either. That's a given.

The principle is that the voting process is going to take place and be done by the people in that ward, and I think that should be the process from start to finish, which is the nomination papers and the vote on the ballot.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to subsection 24(1), all those in favour?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The motion is lost.

Motion number 12 on subsection 24(5): Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 24(5) of the bill be amended by striking out "May 1" at the end and substituting "April 1".

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Ernie Hardeman: This amendment would allow candidates for municipal office to file their nomination papers on April 1 instead of May 1, as is currently stated in Bill 181. Unlike provincial and federal elections, there is no mechanism for municipal candidates to raise money

before the campaign. We heard concerns that candidates—particularly new candidates—needed a little more time to raise money.

April 1 will still result in candidates registering three months later than in the previous elections, but we believe that, in most municipalities, the cut-off for nominations will have a bigger impact on when the actual election takes place than the date when the candidates can start to register and begin raising money.

During the committee, Stephen Thiele, president of the Toronto Party for a Better City, said: "The power of incumbency is the largest problem at the municipal level. It happens all across Ontario. It is very, very difficult, in our current system, to defeat an incumbent. The act—and this act, which actually shortens the writ period—makes that worse, because it shortens the time period for a new or fresh face to fundraise."

Again, as in the previous amendments, this is to lengthen the ability of them to raise money, not necessarily changing the length of time—and it doesn't change the length of time—that the actual election takes place. The start for the election is exactly the same date. It just gives them an extra month to raise money.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, again, the distribution of board trustees, which determines the equivalent of wards for school boards, are finalized in mid-April. The April 1 deadline may require trustee candidates who have filed their nomination to withdraw their nomination and file a new one if the boundary distribution changes. Opening nominations on May 1 will avoid this issue.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment, all those in favour?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

There are no further amendments tabled for section 24. Is there any further discussion on section 24? Seeing none, shall section 24 be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): It's unanimous. The section is carried.

There are no amendments tabled for sections 25 through 30, inclusive. If the committee agrees, then I will call a vote on sections 25 through 30, inclusive.

Ms. Daïene Vernile: Yes.

The Chair (Mr. Peter Z. Milczyn): We're agreed? All in favour of section 25 through section 30, inclusive?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous, so sections 25 through 30, inclusive, are carried.

Motion 12.1—just a moment.

Interjection.

The Chair (Mr. Peter Z. Milczyn): This is motion 12.1, an amendment to section 31. Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 41.1(1) of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be amended by striking out “may, by regulation” in the portion before paragraph 1 and substituting “shall, by regulation, within 12 months after the day section 31 of the Municipal Elections Modernization Act, 2016 receives royal assent”.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: No, I think we're all cognizant of the difference in the meanings of the word “shall” and the word “may.”

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I would just say that the proposed amendment does not allow the flexibility of the Lieutenant Governor in Council to make a regulation when appropriate. It is inappropriate to impose a deadline on the Lieutenant Governor in Council to make a regulation.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: I support this recommendation. I think the real challenge is when we had a briefing on this bill prior to even the second reading debate on it, the comment was—and still is—that there's an awful lot left to regulation in this bill, particularly on issues like the ranked ballots and so forth. I think one needs to know.

We had a great debate going on, both outside the Legislature and in the Legislature, about whether there was actually anything in this bill that dictated that municipalities must have consultation with their community before they could institute ranked ballots—and we're going to get to that later.

The question and the debate was, “Well, it was in the bill that you had to have one meeting.” It's not in the bill that you have to have one meeting. It's all by regulation. And at that point, when we asked that in the briefing, we were told that in fact they were hoping to have most of the regulations ready even before the bill was passed, because part of how you design the ranked ballots is going to dictate greatly whether it's the right idea to do.

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So to now suggest that it's not good enough—it's not flexible enough—to make it a year after the bill is passed,

I think, kind of throws in disarray the objective that we were going to have this done almost simultaneously with the bill being done—that would be within this time frame. So I guess, really, if the government members believe or think that we should have believed them in the first place, then I think they would support this amendment.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: There is a big difference between “may” and “shall.”

If the Lotto Max gets back up to \$50 million and I win, I may give everyone in this room—audio, translation, audience, ministerial staff—\$1 million each. I may, as opposed to, “I shall give them all \$1 million.”

There's a huge difference in “may” and “shall.” Tightening up the language, saying you shall do something, makes it very definitive, as opposed to, “Well, we may, if we get around to it, or we may not, or we may change our mind.”

In contracts negotiated in labour situations, the words “may” and “shall” are the difference between hundreds of thousands of dollars in legal fees at arbitration. “May” means a hell of a lot different than “shall.” This is just tightening it up so there's no dispute about it.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi?

Mr. Lou Rinaldi: Our intent is still to have regulations up sooner rather than later. As Mr. Hardeman suggested that he hasn't seen any yet, I think you're going to see them in a very short time—before, probably, the legislation has passed in the House, for the first round. Of course, we have to wait until the legislation has passed to post it for another 45 days. That's the legal requirement.

I think by doing this, we'll give, on the changes specifically, a bit better advance notice to municipalities so they can get ready. The election is two years away, so we need to give them some time. I think you will see those regulations posted soon, before the legislation has passed—again, passed—officially post them then. So I would encourage us to leave that flexibility. It is not uncommon, Chair, that you cannot include everything tied to legislation, for future governments and Lieutenant Governor in Council to make those decisions to adjust to the needs of the day.

Interjections.

The Chair (Mr. Peter Z. Milczyn): Hold on. Through the Chair.

Mr. Walker?

Mr. Bill Walker: I'd just ask Mr. Rinaldi if he could clarify that he thinks they'll be here, or could he suggest that they shall be here in a short period of time?

Mr. Lou Rinaldi: It will be here.

Mr. Bill Walker: See, that's definitive.

Mr. Lou Rinaldi: You asked.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, shall the amendment to section 31 be carried?

Ayes

Hardeman, Hatfield, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Mr. Percy Hatfield: Mr. Chair, just to bring it to your attention, 14.1 and 17.1 are now moot.

The Chair (Mr. Peter Z. Milczyn): You are withdrawing 14.1 and 17.1?

Mr. Percy Hatfield: Yes.

The Chair (Mr. Peter Z. Milczyn): All right. Motions 14.1 and 17.1 are withdrawn.

Motion number 13, on section 31 of the bill: Mr. Rinaldi?

Mr. Lou Rinaldi: I move that the French version of paragraph 3 of subsection 41.1(1) of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be struck out and the following—so I need some of my French folks to help me out here. Glenn?

Mr. Glenn Thibeault: No pressure.

M^{me} Daiene Vernile: « 3. Le dépouillement du scrutin se fait en une ou plusieurs décomptées, à l'issue »—

The Chair (Mr. Peter Z. Milczyn): I apologize. Mr. Rinaldi, I believe that you didn't read it correctly. So could you reread it, please?

Mr. Lou Rinaldi: The first section?

The Chair (Mr. Peter Z. Milczyn): Yes—or Ms. Vernile, either one of you.

Mr. Lou Rinaldi: So you want the whole thing?

The Chair (Mr. Peter Z. Milczyn): Yes.

Mr. Glenn Thibeault: Do you want me to read it?

Ms. Daiene Vernile: You read it. Your French is better.

The Chair (Mr. Peter Z. Milczyn): Yes, in English and in French.

Mr. Glenn Thibeault: Okay, Chair. I move that the French version of paragraph 3 of subsection 41.1(1) of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be struck out and the following substituted:

« 3. Le dépouillement du scrutin se fait en une ou plusieurs décomptes, à l'issue de chacun desquels au moins un candidat est élu ou éliminé. »

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: What does it say?

Mr. Yvan Baker: You heard the man.

Mr. Glenn Thibeault: I'm not here to translate.

Interjection: Maybe legislative counsel can.

Mr. Ernie Hardeman: The question is, what is it translating?

The Chair (Mr. Peter Z. Milczyn): Could we have the English translation, please?

Ms. Laura Hopkins: The English version of paragraph 3 of section 41.1 appears in the bill and it's un-

changed. The motion makes a technical change to the terminology used in the French version.

Mr. Glenn Thibeault: That's exactly what I said.

The Chair (Mr. Peter Z. Milczyn): Further discussion? There being no further discussion on the amendment to section 31, all those in favour?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. The amendment is carried.

Motion 14, an amendment to section 31: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 41.1(1) of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be amended by adding the following paragraph:

“4. If there is a tie between one or more candidates in any round, the candidate with the greatest number of first place rankings shall not be eliminated.”

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: In the big picture, I think this is just to say that how you would break a tie is that the person getting the most first-place votes would win.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: I hope it's not a silly question, but what if there are two candidates with an identical number of first-place ballots? What happens?

Mr. Ernie Hardeman: The odds are somewhat against that. I think at that point in time, it would have to be settled the same way they settle any other election of how you break a tie.

We're just saying that in a ranked ballot one, having the most first-place finishes should give you the win. But if they were both tied that way, it's possible that it could be decided by who then had the most second-place as opposed to third-place. That would still be left up to the minister to decide by regulation.

We just believe that it should be, by law, that the one who gets the most first-place votes is always the winner in tie votes.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, there is a working group working out the technicalities. I know that the opposition will love to hear what I'm going to say next: That will be dealt with in regulation, in due course. There are experts around the table pulled from the municipal sectors to determine all of the process of the ranked ballots and how they're counted.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chair, I think that has been somewhat my problem with a lot of the things in this bill. We seem to be reluctant to leave it up to this Legislature and this group to make decisions. We're

going to leave it all to a third party that somebody is going to put together and they're supposedly experts on this.

I think that when it comes to counting votes and how they should be counted, there are no experts. I think it's "What is the right thing to do?" I think that decision should be made by the people in this committee and referred to the people sitting in the Legislature to decide on what the end result should be, and not to say, "We have a special group that we think can look after it much better than we can, so they can decide what they think is the best way to declare a winner." I think that's a decision that this committee and this Legislature should be taking to make.

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The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to section 31—oh, Mr. Walker.

Mr. Bill Walker: No, sorry. I'm just way ahead.

The Chair (Mr. Peter Z. Milczyn): Let me finish calling the vote.

Mr. Bill Walker: My apologies.

The Chair (Mr. Peter Z. Milczyn): On the amendment to section 31: all those in favour?

Ayes

Hardeman, Hatfield, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

On 14.1: Mr. Hatfield is choosing not to advance that amendment.

So we'll move on to motion number 15, an amendment to section 31. This is also a technical amendment to the French language version. If members want to use their earpieces for the translation, you may do so. Mr. Rinaldi?

Mr. Lou Rinaldi: Mr. Thibeault should do that, because of the French.

The Chair (Mr. Peter Z. Milczyn): Mr. Thibeault? Motion number 15.

Mr. Glenn Thibeault: All right. Thank you, Chair. I move that the French version of paragraph 3 of subsection 41.1(4) of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be struck out and the following substituted:

« 3. Les renseignements qui doivent être mis à la disposition du public relativement à chaque décompte du dépouillement du scrutin. »

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, as you indicated, this really is a technical fix on the French version.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Then, on the amendment to section 31, all those in favour?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was carried unanimously.

Motion number 16: an amendment to section 31: Mr. Hardeman.

Mr. Ernie Hardeman: I move that paragraph 11 of subsection 41.1(6) of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be struck out.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chairman, this amendment would remove the ability of the minister to override the Municipal Elections Act by regulation, and it's that broad. Bill 181 contains extraordinary regulation-making authority. Most concerning is paragraph 11 of subsection 6 which gives the government authority to make regulations on "Such other provisions of this act as the Lieutenant Governor in Council considers appropriate."

This means that, despite the public hearings on this bill and the debate in the Legislature and here in committee, cabinet can simply overrule any portion of the legislation by regulation. To me, that just negates the need for us being here at all. I think it's just a terrible clause to put into any piece of legislation, particularly one that deals with elections.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I recommend voting against this motion, because the provision is included as changes may be required to certain sections of the act for the purpose of implementing ranked ballots for elections starting in the year 2018.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chairman, if this legislation needs that broad a regulatory power that they can change anything in the bill without coming back to the Legislature—so this bill gets passed, and just that section says they never have to come back to make a change because they can change any part of this bill by regulation—then I really don't know why they brought forward this bill.

They could have just done it through regulation, just had one phrase that said, "The minister has the power, through the Lieutenant Governor in Council, to regulate municipal elections," period. Then he could have done everything that we've been talking about for days and days through regulation. I think for any government to think that they should have such broad regulatory powers just isn't right.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: My argument was this is really to deal with ranked ballots. It's new. We need some flexibility to try to make the right decision at the end of the day. This does not apply to the whole piece of legislation.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: That's the problem. This isn't just about ranked ballots; this section gives the minister regulatory powers over the whole act and gives you everything in the act by regulation—not just ranked ballots; everything else, too. That's why we're making that—they shouldn't have that kind of power in any piece of legislation, particularly elections legislation. It just doesn't make sense.

The minister could, by regulation, take all the dates out of it so we no longer have municipal elections. That would be what this section says. I think that's wrong.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to section 31:

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

On motion number 17, an amendment to section 31: Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 41.1 of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be amended by adding the following subsections:

“Public consultation before making regulations

“(8) The Lieutenant Governor in Council shall not make any regulation under subsection (1) unless,

“(a) the minister has published a notice of the proposed regulation in The Ontario Gazette and given notice of the proposed regulation by all other means that the minister considers appropriate for the purpose of providing notice to the persons who may be affected by the proposed regulation;

“(b) the notice complies with the requirements of this section;

“(c) the time periods specified in the notice, during which members of the public may exercise a right described in clause (9)(b) or (c), have expired; and

“(d) the minister has considered whatever comments and submissions that members of the public have made on the proposed regulation in accordance with clause (9)(b) or (c) and has reported to the Lieutenant Governor in Council on what, if any, changes to the proposed regulation the minister considers appropriate.

“Contents of notice

“(9) The notice mentioned in clause (8)(a) shall contain,

“(a) a description of the proposed regulation and the text of it;

“(b) a statement of the time period during which members of the public may submit written comments on the proposed regulation to the minister and the manner in which and the address to which the comments must be submitted;

“(c) a description of whatever other rights, in addition to the right described in clause (b), that members of the public have to make submissions on the proposed regulation and the manner in which and the time period during which those rights must be exercised;

“(d) a statement of where and when members of the public may review written information about the proposed regulation; and

“(e) all other information that the minister considers appropriate.

“Time period for comments

“(10) The time period mentioned in clauses (9)(b) and (c) shall be at least 90 days after the minister gives the notice mentioned in clause (8)(a).

“Discretion to make regulations

“(11) Upon receiving the minister's report mentioned in clause (8)(d), the Lieutenant Governor in Council, without further notice under subsection (8), may make the proposed regulation with the changes that the Lieutenant Governor in Council considers appropriate, whether or not those changes are mentioned in the minister's report.

“Review

“(12) Any person resident in Ontario may make an application for judicial review under the Judicial Review Procedure Act on the grounds that the minister has not taken a step required by this section.

“Time for application

“(13) No person shall make an application under subsection (12) with respect to a regulation later than 21 days after the day on which the minister publishes a notice with respect to the regulation under clause (8)(a).”

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The Chair (Mr. Peter Z. Milczyn): Further discussion, Mr. Hardeman?

Mr. Ernie Hardeman: Chair, this amendment would require a minimum of 90 days of public consultation on regulations regarding ranked ballots.

The key message is that the rules regarding an election should not be made by one party behind closed doors. We need to ensure that all people who are impacted by the rules—candidates, municipal clerks, people dealing with disabilities and others—have the opportunity to review and comment on these regulations.

During the committee hearings—and I think that this is important—Katherine Skene of RaBIT, the Ranked Ballot Initiative of Toronto, stated,

“Insofar as ranked ballots are concerned, the legislation you are considering is actually quite limited in terms of specifics. From our reading, this legislation largely states that municipalities may choose to use ranked ballots for their elections and that the provincial govern-

ment is empowered to promulgate the regulations that would actually enable those municipalities to do so. It does not go much beyond this.”

I think that’s the important part. There is nothing in there as to how the minister is going to prepare the regulations. The government on the other side keeps talking about, “We don’t know how this is going to work. This is a brand new game here. We want to make it broad so we can do a whole lot of things, because we might try something and it doesn’t work.”

There’s nothing in here about the process that’s going to involve the public in making all of those decisions. Who’s going to decide how it’s going to work and who’s going to decide on whom it’s going to work for? That’s, I think, a real concern. I think we do need to look at that.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, starting from my conclusion in the comments: What the member is suggesting would not make it possible for any municipality to use ranked ballots by 2018. The time frame would not allow that to happen, if he’s recommending that people go through all those steps.

We’ve heard from some municipalities—we heard both sides, to be honest—that have even passed resolutions, waiting for the government to make the decision on whether this would be allowed for the next election. AMO accepted the process that some municipalities—they didn’t take a stand as an association—would like to try it.

If we go through the process of the amendment that the member is suggesting, it would not really give municipalities that want to try ranked ballots time to put a process in place. As I stated before, there will be detailed regulations that we’re going to see in a very, very short time. The public will have an opportunity, for 45 days, to have an input into the process.

There have been regulations that have been changed from the proposed in the past, if there is anything substantial that would interfere or create any kinds of headaches. I would think that municipalities and the public would have an interest to look at those regulations.

Chair, we cannot support this.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chair, I can’t understand—and the parliamentary assistant has tried to explain to me, but either I’m a little dense or he’s very poor at explaining something. Is the government suggesting that we are proposing a system of ranked ballots and we have absolutely no idea of how we’re going to do it?

Mr. Lou Rinaldi: No.

Mr. Ernie Hardeman: Because that’s what you just said: We have to have broad powers because we don’t know what we’ll find yet when we decide to say yes to the ranked ballots. How long is it going to take? What are we going to do? What are we going to create? If you have none of that, how can you possibly say that it’s even an idea worth considering, if you’ve done no studies at all or looked at anything about whether this will work?

Then, to say, “Well, because it will be quite complicated and may take quite a while, we don’t want to tie the minister’s hands. We want him to be able to just put something together any way he wants, because we don’t really think that you should get anybody else involved”—at least, not people who might not have the same views as he has. They just say, “Go ahead. You prepare it. We can set a committee up that comes up with the right—in my best interests,” and I’m speaking as you would, but not to bring any public into it to see whether it’s being designed in the best interests of the public. How is the municipality, if this bill passes and they can do it and we’ll say “September 1”—if they know nothing about what a ranked ballot system looks like, how are they supposed to decide that they want the ranked ballot, because you haven’t designed it and you’re not going to design it until they decide whether they want it? It just doesn’t make any sense, Parliamentary Assistant.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: I was talking to somebody who made a presentation earlier, and he said to me that he ran out of time before he made the observation that when the Harris government forced amalgamations and mergers of municipal boundaries, they didn’t offer referendums of the municipalities at that time. He wanted me to make sure that I mentioned, at this time, that there was no referendum then and there doesn’t have to be a referendum now.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi?

Mr. Lou Rinaldi: Thanks. You stole my thunder a little bit. As we’ve been saying all along, there will be public input. I think the member is going way, way outfield with a lot of assumptions. We said all along that, if this legislation is passed, municipalities will have an opportunity to set up a processing place where they have to have some type of public consultation. That will be spelled out, as I’ve said before and I’m going to repeat it again, in regulations. They will be out and posted beforehand.

I guess the challenge that I find—and not to repeat what my good friend from the NDP had mentioned: We seem to be embarked on a way that says that we need to involve referendums and public input. The member will well know, because you were here and I was a mayor of a municipality at the time, when four hours of debate led to a decision on amalgamation in this province. Municipalities had no power to make any decision except to scramble and see who they could get married to at the last minute. So now all of sudden we’ve become creatures who can’t do anything without a referendum.

If we’re going to have a referendum, I’m not sure what the purpose of us being here is, then. We can’t make any decisions—that’s to quote the member. I think we’re being flexible and we’re being adaptive. At the end of the day, we must remember that a municipality doesn’t have to accept it. We’re not shoving this down their throat like it has happened in the past. On this side, we do have respect for municipalities. You’ve heard from AMO

that they're prepared to work with us—those municipalities that want to. I get a bit frustrated, and pardon me if I do get frustrated, when I hear those comments that we're ignoring everybody.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: Well, Mr. Chairman, I know we've gotten out of order because the motion we're presently dealing with has nothing to do with referendums. It was good to bring it up, but you brought it up at the wrong time. But the issue that the parliamentary assistant is talking about is that we're going to set up a consultation process. For the benefit of the people in the municipal sector, they should know what the process is—not necessarily the results. But there is nothing in this, in the whole bill—it gives the minister the power to set up the process, but he doesn't set it up. He doesn't say, "There will be a meeting." It doesn't say, "You will have public hearings." It doesn't say anything about what they have to do. There's no framework. There's just that he has the ability, by regulation, to ask for that.

We as a committee, and we as the Legislature when we vote on this for third reading, will have no assurances that he will see fit to do it, because there's nothing in here that mandates it. In fact, the closest we came to mandating it was the NDP motion to change the "may" to "shall," and that didn't pass because you didn't want to make any solid commitment that you will do anything other than what's in the bill. That's the only reason I'm putting this forward. But this isn't the section—and we will speak to it when we get there—on referendums.

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The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none on the amendment to section 31, all those in favour?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Mr. Hatfield has indicated he will not be moving motion 17.1, so we're moving on to motion 18, an amendment to section 31. Mr. Hardeman.

Mr. Ernie Hardeman: Now we're there.

The Chair (Mr. Peter Z. Milczyn): Now we're there.

Mr. Ernie Hardeman: I move that section 41.2 of the Municipal Elections Act, 1996, as set out in section 31 of the bill, be struck out and the following substituted:

"Preconditions for ranked ballot elections

"41.2(1) No municipality shall conduct a ranked ballot election for an office on its council unless,

"(a) the election is authorized by a regulation made under section 41.1;

"(b) the municipality has held a referendum of the persons entitled to be electors at the election and at least the designated percentage of the ballots cast in the referendum authorize the council of the municipality to pass a by-law authorizing the election; and

"(c) the council of the municipality passes a by-law described in subsection (2) and a by-law authorizing the election.

"Designated percentage of ballots

"(2) The council of the municipality shall, by by-law, designate the percentage mentioned in clause (1)(b) which shall be at least 50 per cent or at least 60 per cent, as the council determines.

"Application of act to referendum

"(3) The referendum is an election to obtain the opinion of the electors in the municipality on a question required by law as described in paragraph 3 of section 3 and this act applies to the referendum with necessary modifications, except as otherwise provided.

"Exception

"(4) Sections 8, 8.1 and 8.2 do not apply to the referendum.

"Wording

"(5) The wording of the referendum question shall be,

"(a) clear, concise and impartial; and

"(b) capable of being answered in the affirmative or the negative and the only permitted answers to the question are 'yes' or 'no'."

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: In the debate on this bill we've had a lot of debate about this and, obviously, it has been in the works for a long time. But we did hear a lot about it. Actually, it even surprised me, and I'm sure it surprised the government side. There were a lot of people who came in with comments about it—about the ranked ballots—who were not necessarily favourable about that approach. I think it's very important.

We've heard some comments about other things that have happened in former governments. I'm not sure that—20 years ago, or 18 years ago—the decisions of that day should drive us to do what we're doing today, but, at the same time, none of those were actually about the basics of my right to vote and what that vote does. Okay?

We have had, forever, not just then—we've forever had municipalities changing in size and changing in complexities. We've had boundary adjustments and we've had all these things, but the right to vote and how you vote and how your vote is counted is pretty important to people, at the most.

I think one of the things that I'd just like to put in the record are some of the things that have happened. In October 2015, the Toronto city council passed a motion which recommended:

"j. that the province should not proceed with amendments to the Municipal Elections Act to provide for ranked choice voting;

“k. that if the province does amend the Municipal Elections Act to provide for ranked choice voting;

“a. the use of ranked choice voting be optional for the city of Toronto; and

“b. the city of Toronto only be permitted to implement ranked choice voting after holding public consultations and a referendum;”

Now, if we go back to where this debate started—and it was part of an election platform—it was at the request of the city of Toronto. After more research and after they looked into it, this is the motion they then passed. They don't want it because they have looked at it, they heard similar presentations to what we heard here and, in their opinion, it doesn't work. So they don't want it.

These are quotes and information we got from the presentations we had.

“We recommend that a local consultation process, the goals of which should include those expressed in the purpose clause of the legislation, should be required before a municipality makes significant changes to the way councillors are elected or at the request of citizens seeking such changes.” That was Fair Vote Canada that presented.

Another one: “The earliest Hamilton will allow how its municipal politicians are elected won't happen until at least the 2018 municipal election with a city-wide plebiscite, said Mayor Fred Eisenberger....

“Eisenberger said holding a plebiscite is important since it will encourage the public to get involved in the political process to determine if they want a change in how the electoral system is administered.

“‘I don't think it's a bad idea,’ said Eisenberger. ‘A significant change of this order and magnitude in terms of (having a public voice), you need probably a stronger voice than usual on the issue.’”

He believes that even though he supports the ranked ballot, we should have a referendum on it.

“A provincial referendum or some method of formal public consultation on ranked ballots should be conducted prior to amending the Municipal Elections Act to permit ranked ballots”—from the city of Markham's submission to the Municipal Elections Review Committee.

“Canada's electoral system is the basis of our democracy. Considering the potential impact, no one government or political party has the authority to fundamentally alter our democratic system. If our system is to be reformed, it is up to the people of Canada to decide directly through a referendum.” Again, that's changing the electoral system, and that was by the Defend Democracy group.

“Given the vagueness in the current bill, I would definitely recommend a change to require that any municipality that opts to change its voting system must hold a referendum of citizens prior to making the change.” That was presented here by OPSEU president Warren Smokey Thomas, who presented on May 12.

“My main concern with Bill 181 is that it allows individual municipal councils in the province of Ontario to make changes on the way that we elect our representa-

tives, with little or no public consultation with the voters. The fact that these decisions can be made without holding a binding referendum is, at the bare minimum, concerning.

“I can't stress enough the importance of seeking comprehensive public input and holding a referendum before any changes are made. Direct voter input about how we vote in elections is critical, and I personally can't support a bill that takes democracy away by allowing a government to change the way they are elected without appropriate consultation. As elected officials we have a responsibility to consult the voters in the province of Ontario.

“Ontarians must have a choice via a referendum before we embark on changing our voting system. Failure to do so is a slap in the face to the voters and is counter to everything we stand for as a democracy.” Mike Cluett, local and regional councillor in the town of Milton. Again, it was presented at this committee.

“Where I have an objection with the proposed legislation is that it does not give voters a mandatory and required referendum on an electoral system change. I think that's a requirement. I think there are two areas where it is required in a modern democracy: one on constitutional change, and the other on electoral system change, because it has such an impact for such an extended period of time.”

“I'm fundamentally here to say that there should be referendums.” Bill Tieleman, president of the No BC-Single Transferable Vote committee.

“For all the talk about electoral reform that Canadians have been exposed to over the past few months, the only consensus is on the need to hold a referendum on any proposal that is made.” Mario Canseco, vice-president of public affairs at Insights West polling company.

There is a whole bunch more here, Mr. Chair. One from the media: “If you want to fundamentally change how people elect their representatives, then surely you need the consent of the people who do the electing. If any government, legislation, or reform advocate believes the public truly wants to overhaul the voting system, then they should be willing to put it to a democratic vote. Anything other than that is both paternalistic and elitist.” Andrew Dreschel of the Hamilton Spectator.

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“We have a system of representative government. We elect people every four years to make decisions on our behalf. Changing the electoral process is so fundamental that every Canadian should have a vote in the outcome.”

“Referendums on voting change have already been held in three provinces, setting a precedent of sorts. All failed, and some reformers are so hell-bent on dumping first-past-the-post that they are urging the Liberals to be ‘brave’ and move ahead on their own hook. That makes no sense. The lesson of past referendums cannot be that the people are too blind or foolish to see the light; it must be that those who want change have to do a better job of persuasion.” That's the Toronto Star editorial in January 2016.

There are a couple of more here that I just want to put on the record.

"We were the party that opened the discussion and put the referendum on the ballot. So, I think it is clear that we are open to having these discussions." I think that's one of the most interesting ones, because that is Kathleen Wynne in the *Toronto Star*.

There's another one here. During the debate on the electoral system reform act, which was brought forward by this government, the minister responsible for democratic renewal said, "A decision to change electoral systems should not be taken lightly. Regular elections allowing citizens to choose who will represent them and govern are the foundation of our democracy, and so we have developed a referendum process so that Ontarians can make a choice on the future of the electoral system by which they elect members to this Legislature." That was by the minister of democratic reform for this government a number of years ago.

A quote from the Select Committee on Electoral Reform, which, incidentally, included Kathleen Wynne: "Legitimacy must also apply to the process by which electoral reform is achieved. If the process is unimpeachable, even those who disagree with the eventual outcome can accept it as legitimate. Such judgements are at the heart of democratic decision-making. A key ingredient in that process will be measuring public support through a plebiscite or referendum, about which more is said below." So even the Premier and the committee she was on said that for something like this, you should have a referendum.

This isn't about whether referendums have been held before. This government said we were going to do that when we wanted to change the voting system in the province of Ontario. They put the package together, and we had an election on it and it failed. But we had the election on it.

Now, all of a sudden, we're going to give somebody the power to do this without even holding a public meeting to discuss it with their people. I think that's just terrible, and as they say, that's my story and I'm sticking to it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: The member from Oxford is absolutely right: I did misspeak earlier. I was speaking on 17 when I should have been speaking on 18, because I'd crossed out 17.1 and lost my place for a moment on the agenda. So take the comments I made about the referendum earlier and just cut and paste and put them here, and I'll be quite content with that.

What is being suggested makes sense, and it should be at the municipal level. Those comments should be in front of a municipal council when they decide if they want to hold a referendum before they discuss ranked balloting. But at this level, we're giving the municipality the option. If they want to go ahead with it or not, and hold a referendum or not, that's up to them to make that decision.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, you can cut and paste what Mr. Hatfield said and put it as my comments, but I would just add that there will be an opportunity for comment.

We keep on referring to municipalities as a responsible level of government, and I think we should treat them as a responsible level of government. If they wish to have a referendum, so be it. I think we've heard that from some municipal leaders who were here. We heard that from AMO and we heard that from some interest groups, for sure.

I recommend that we don't support this.

The Chair (Mr. Peter Z. Milczyn): Mr. Walker.

Mr. Bill Walker: I just want to echo my colleague for Oxford's comments: Anything to change an electoral system is fundamental to democracy, and I think there has to be a referendum to allow the people who are going to be most impacted to exercise their fundamental right of voting and changing the system, which is truly going to impact every single one of them. I definitely support what he's suggesting: that there has to be a referendum before there would ever be anything like a ranked ballot system.

The Chair (Mr. Peter Z. Milczyn): Thank you.

Mr. Ernie Hardeman: Mr. Chair, I'm not going to read more quotes into the record. I have plenty more to read.

But I do have a few questions, if I could ask the parliamentary assistant; I think that's how that's supposed to work here at committee to get answers from the government. We had a couple of presenters state that ranked ballots resulted in higher error rates for voters who are lower-income or multicultural. In fact, the researcher from MIT reported that the first time this system was used in San Francisco, there was a significantly higher error rate among people with lower income and Hispanics.

Do you know, parliamentary assistant, whether the government did any research into that before putting forward this bill? Does it have a different impact on different parts of the province when it comes to errors in voting, or would it have that?

Mr. Lou Rinaldi: The only thing that I can share with you, Chair, is that there are parts of the world where they use ranked ballots. I don't have the specifics that the member is asking for.

Mr. Ernie Hardeman: Ontario is—and we all know this—a very multicultural province. Did the government do any research into the impact of the language barrier and whether changing to the system that requires more explanation would make it more difficult for cultural communities to vote? I think that we had a presentation here from someone who had done different numbers on different areas of the places where they had ranked ballots. In fact, he found some interesting things that he told us. But I just wonder whether the government did any work on seeing what impact that could have.

Mr. Lou Rinaldi: Chair, I respect the member. I paid quite a bit of attention to his rationale for pushing this

forward. I don't have any more to add to that, Chair. I'm not sure that we're going down whatever path he intends to go, but I certainly have no intention of going down that path.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: Just one more: One of our presenters told us that ranked ballots actually—this is in the talking about some of the things that we're hoping ranked ballots would produce. They suggested that the ranked ballots actually resulted in less diverse councils.

If a municipality applies to do it, have you done any research to say whether you should say “yes” or “no,” or what you would need to do, as it relates to trying to give us more diverse and more representative councils in our communities? No answers?

Mr. Lou Rinaldi: I think that I made my comments.

Mr. Ernie Hardeman: Just one final question, then: Did you do absolutely no research on this before you decided that this was a good idea?

Mr. Lou Rinaldi: I made my comments, Chair.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Lou Rinaldi: This is not question period.

Mr. Ernie Hardeman: Well, that's what this committee is supposed to do. You're supposed to have discussion.

The Chair (Mr. Peter Z. Milczyn): One at a time.

Mr. Baker.

Mr. Yvan Baker: Chair, I think that the PA has answered the questions, so I think that we're ready to move on.

The Chair (Mr. Peter Z. Milczyn): No Further discussion? Mr. Walker.

Mr. Bill Walker: I think that, to my colleague's point, these are very specific questions that were asked not just by us, but by the public—who, again, this all comes down to. That's who we are here to represent.

We've been given information that suggests that there are concerns, and you would hope—particularly when there is all of this thought that everything is going to be done by regulation in this bill—that you've at least done the homework and you've at least gone out and done the research to understand what has happened in other times, other circumstances and other communities, so that we don't make errors that are going to have a colossal impact on something as fundamental as our democratic right to vote.

I think that we deserve some answers in regard to this. Did you do any homework or any research whatsoever? Yes or no?

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: I remember asking the representative from Ottawa123 when he suggested that ranked balloting would increase visible minority representation on municipal councils. It was more hearsay of what they thought would happen because people who might otherwise not—they wouldn't get the first vote necessarily, but they might get some second- or third-place ballots

that would then push them on to the elected part of the ballot.

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But I don't think, as far as I know, there is any necessarily hard evidence that would support that visible minorities or female candidates would end up in more elected positions under a ranked ballot. It's a theory, and I don't disavow the theory, but I don't think we've yet seen any evidence one way or the other on the positive results of it. But we did ask the questions at the time to the people who were speaking in favour of the initiative.

The Chair (Mr. Peter Z. Milczyn): Mr. Walker?

Mr. Bill Walker: Mr. Chair, just out of respect for the multicultural communities that we're elected to represent, to the people that may have language barriers, one of the biggest challenges we have, and I think everyone would agree in this room, is that there is a lot of apathy in regard to voting and the number of people that actually vote. There are valid concerns being raised that there could be a situation where fewer people will vote because it's going to be more difficult to actually understand what the impact of this is and how they should vote and how they understand which way they might wish to vote.

If the government is not going to make a comment, then I would suggest, on the record here, that if they're not going to say they did research, then we will assume that they did no research and thus they're not respecting those multicultural communities so that they can actually participate in our democracy, which is one of the things that, again, they sign when they become a citizen of Canada.

The Chair (Mr. Peter Z. Milczyn): Thank you. Further discussion? Seeing none, on the amendment to section 31—I'll let Mr. Hardeman get in his seat—all those in favour of the amendment?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Is there any further discussion on section 31? Seeing none, shall section 31, as amended, be carried?

Ayes

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): Section 31, as amended, is carried.

Motion number 19, on section 32: Mr. Rinaldi.

Mr. Lou Rinaldi: I will do this one. There's no French; I'm waiting for an Italian one, though, Chair.

I move that section 32 of the bill be amended by adding the following subsection:

“(2.1) Clause 42(3)(b) of the act is repealed and the following substituted:

“(b) provide a copy of the procedures and forms to each candidate when his or her nomination is filed.”

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Lou Rinaldi: Chair, this is really a technical fix—I'll carry on, sorry—to propose a change to ensure clerks can comply with the requirements to provide candidates with a copy of the procedures and forms.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment, all those in favour?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): It's unanimous. The amendment is carried.

Motion number 20, amendment to subsection 32(2.2): Mr. Rinaldi.

Mr. Lou Rinaldi: I move that section 32 of the bill be amended by adding the following subsection:

“(2.2) Subsection 42(4) of the act is amended by striking out the portion before paragraph 1 and substituting the following:

“Same

“(4) The following rules apply with respect to the clerk's duties under clause (3)(a):”

Once again, this is a technical fix to remove the requirements for the clerk to provide a copy of procedures to persons before they become candidates. Nominations will be filed beginning May 1.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Through you, Chair, was that your talking point for motion 19 or for motion 20?

Mr. Lou Rinaldi: For 20.

Mr. Percy Hatfield: For 20? All right. My motion 20 says it tightens up procedures for vote-counting equipment.

Mr. Lou Rinaldi: Oh.

Mr. Percy Hatfield: My 19 says the clerk gives procedures and forms to the candidate when the nomination is filed.

Mr. Lou Rinaldi: I'm just confirming that—

Mr. Percy Hatfield: No big deal.

Mr. Lou Rinaldi: No, just to clarify it, though.

Do you want to arm-wrestle in the meantime, to see who's right?

Mr. Percy Hatfield: Oh, you would win.

Mr. Lou Rinaldi: Whew.

We're good? We're good.

Mr. Percy Hatfield: All right.

Mr. Lou Rinaldi: But thanks for bringing it up.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to subsection 32(2.2), all those in favour?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. The amendment is carried.

There are no further amendments tabled to section 32. Is there any further discussion? Shall section 32, as amended, be carried?

Ayes

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): Section 32 is carried.

There are no amendments tabled for sections 33 and 34. If the committee is in agreement and there's no further discussion, I will call the question on those two sections. Shall sections 33 and 34 be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Sections 33 and 34 are carried.

Motion 21, an amendment to subsection 35(1): Mr. Rinaldi.

Mr. Lou Rinaldi: I move that subsection 35(1) of the bill be struck out and the following substituted:

“35(1) Subsection 45(4) of the act is amended by striking out ‘provide a space for use as a voting place, free of any charge related to the provision of space’ at the end and substituting ‘provide, free of any charge, a space for use as a voting place’.”

At the end, this substitutes “provide, free of any charge, a space for use as a voting place.” Once again, this is a technical fix requested by the city of Toronto.

The Chair (Mr. Peter Z. Milczyn): Further discussion? On the amendment to subsection 35(1), all those in favour?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. The amendment is carried.

There are no other amendments tabled to section 35. Is there any further discussion? Shall section 35, as amended, be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Section 35 is carried.

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The Clerk of the Committee (Mr. Eric Rennie): As amended.

The Chair (Mr. Peter Z. Milczyn): I thought I said “as amended.”

The Clerk of the Committee (Mr. Eric Rennie): Oh. Sorry.

Mr. Peter Z. Milczyn: Okay. Section 35, as amended, is carried.

There are no amendments tabled for sections 36 through 41, inclusive. If the committee agrees, I will put the question on those items together. No further discussion? Shall sections 36 through 41, inclusive, be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Sections 36 through 41, inclusive, are carried.

Motion number 22, an amendment to subsection 42(3): Mr. Hardeman?

Mr. Ernie Hardeman: I move that subsection 42(3) of the bill be struck out.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Ernie Hardeman: I think it's just that the question was about the recounts. In fact, that part of the bill says that the judge can decide to do it in a different manner than the original election, except with the ranked ballots. If it was a machine that was wrong or something, it would mean they still have to do it with that same machine. So it's trying to clean it up.

The Chair (Mr. Peter Z. Milczyn): Further discussion? No further discussion. On the amendment to subsection 42(3), all those in favour?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

There are no other amendments tabled for section 42. Is there any further discussion? Shall section 42 be carried?

Ayes

Baker, Dong, Hatfield, Rinaldi, Thibeault, Vernile.

Nays

Hardeman, Walker.

The Chair (Mr. Peter Z. Milczyn): Section 42 is carried.

There are no amendments tabled for sections 43 through 46, inclusive. If the committee agrees, I will put the question for those together.

Ms. Daiene Vernile: Yes.

The Chair (Mr. Peter Z. Milczyn): No further discussion? Shall sections 43 through 46, inclusive, be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): It's unanimous. Sections 43 through 46, inclusive, are carried.

Motion—

Mr. Percy Hatfield: Chair, can we have a five-minute break?

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield wants a five-minute recess. All those in favour? Okay. A five-minute recess.

The committee recessed from 1543 to 1551.

The Chair (Mr. Peter Z. Milczyn): We'll reconvene.

We left off at motion number 23, an amendment to section 47. Mr. Rinaldi.

Mr. Lou Rinaldi: I move that section 88.2 of the Municipal Elections Act, 1996, as set out in section 47 of the bill, be amended by adding the following subsection:

“Same

“(4) Despite subsection (3), no landlord, person, condominium corporation or agent may prohibit the display of signs in relation to an election in common areas of the building if space in the building is being used as a voting place.”

Once again, this is a technical fix necessary to ensure that election signs are not prohibited in spaces being used as voting places.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Just a question: Is that including a candidate's name, “Vote for Lou,” as opposed to, “This is a voting place”?

Mr. Lou Rinaldi: I think so.

Mr. Percy Hatfield: It means you're allowed to have “Vote for Lou” up in the building?

Ms. Daiene Vernile: No. Just electoral signs.

Mr. Lou Rinaldi: No, just electoral signs.

Mr. Percy Hatfield: Proclaiming that this is a voting place.

Mr. Lou Rinaldi: Yes.

Mr. Percy Hatfield: Is that clear enough, do you think?

Mr. Lou Rinaldi: I think so.

Interjection.

Mr. Lou Rinaldi: There is another section in the bill, which details what signs can be put where, that would cover this.

Mr. Percy Hatfield: All right.

The Chair (Mr. Peter Z. Milczyn): Further discussion? On the amendment to section 47, all those in favour?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. The amendment is carried.

There are no further amendments tabled to section 47. Is there any further discussion? Shall section 47, as amended, be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Section 47, as amended, is carried.

Motion number 24, an amendment to section 48: Mr. Hardeman?

Mr. Ernie Hardeman: I move that paragraph 2 of subsection 88.3(3) of the Municipal Elections Act, 1996, as set out in section 48 of the bill, be amended by striking out “business”.

This is just a housekeeping thing. There are a lot of people that would not have a business address. Volunteers who don't have a business address—this takes that out.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Lou Rinaldi: Again, I recommend voting against. The current proposal provides consistency with provincial provisions, which also require a business address.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to section—

Mr. Percy Hatfield: Chair?

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: I'm somewhat confused, I guess. I know that when we run provincially or federally, we have a campaign office. At the municipal level, you may not have a campaign office; you may be doing it out of your home. If you go with what has just been suggested by the member from Oxford, with the address of the candidate's representative, you're giving that person's home address as opposed to the candidate's home address because, as he says, not everybody has a business

address. So, if I could just get the government to give me a clarification around this.

Mr. Lou Rinaldi: Sorry, Percy?

Mr. Percy Hatfield: Maybe I didn't understand why you don't think it's necessary.

Mr. Lou Rinaldi: Well, I believe, as I said, the current proposal with provincial provisions, which also requires a business address, would not require an individual to provide a business address when they are providing information to the broader public in writing before an election campaign advertisement can appear.

Does that help?

Mr. Percy Hatfield: Okay.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to section 48, all those in favour?

Ayes

Hardeman, Walker.

Nays

Baker, Dong, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Motion number 25, an amendment to section 48: Mr. Hardeman.

Mr. Ernie Hardeman: I withdraw that amendment.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman is not introducing that amendment.

Motion number 26, an amendment to section 48: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that subsection 88.3(5) of the Municipal Elections Act, 1996, as set out in section 48 of the bill, be amended by striking out “two years” in the portion before paragraph 1 and substituting “four years”.

Chair, this is a technical fix that provides consistency with the requirements that candidates keep their own campaign financial records for four years.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to section 48, all those in favour?

Ayes

Baker, Dong, Hardeman, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): The amendment is carried.

There are no further amendments tabled for section 48. Is there any further discussion? Shall section 48, as amended, be carried?

Ayes

Baker, Dong, Hardeman, Hatfield, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Section 48, as amended, is carried.

Motion 26.1, an amendment to section 49: Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 88.4(2) of the Municipal Elections Act, 1996, as set out in section 49 of the bill, be struck out and the following substituted:

“Restricted period for third-party advertisements

“(2) The restricted period for third-party advertisements in relation to an election in a municipality begins on the applicable day, as follows, and ends at the close of voting on voting day:

“1. The day that is 60 days before voting day.

“2. If there are fewer than 60 days between the earliest day that an individual, corporation or trade union is permitted to file a notice of registration and voting day, the earliest day that a notice of registration can be filed.”

1600

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Currently, we're putting a gag order out for six months from the nomination day to voting day. I don't believe that that is the—well, I hope that's not the intent of the proposed legislation. I can understand having a restricted period for third-party advertising to 60 days; that seems fair. But to prevent people from expressing an opinion for six months seems unusual. I believe there are Supreme Court decisions that even suggest that that is too much of a length of time to put a gag order on anybody and prevent them from stating their preference on any issue. I think 60 days is reasonable; I don't think six months is. I hope that the government will see this as a friendly amendment and agree to support it.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Again, I recommend against this motion. This motion will result in third-party advertising that supports or opposes a candidate being unregulated for the first four months of the campaign period in a regular election. Restrictions on third-party advertising will not come into effect until a month after nominations have closed. So, actually, this motion will weaken the framework for regulating third-party advertising.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: We heard in question period today, actually, again—when we were talking about changes to the provincial election. It was stated then that the government, during that period of time, is free to run government advertising, which may impact on somebody's feelings, one way or the other, towards the government. They're free to advertise during the six-month election period when nobody else is. When you take

away the right of the public to advertise for that length of time, it is just, to me, an unreasonable length of time. People who want to be involved at the municipal level and want to have a say should be able to have that say—not right up until election day, but the two months prior to: I believe that blackout period is fine. But six months, to me, is just too much of a length of time.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi?

Mr. Lou Rinaldi: I appreciate where Mr. Hatfield is coming from, but we believe our amendment, which exempts issue-based advertisements, sufficiently allows for freedom of advocacy and expression. The shortened advertising regulation period will not achieve this as effectively.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? Seeing none, on the amendment to section 49, all those in favour?

Ayes

Hatfield.

Nays

Baker, Dong, Hardeman, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Motion 27, an amendment to section 49: Mr. Hardeman?

Mr. Ernie Hardeman: I withdraw that one too.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman is not moving that motion.

On motion number 28, an amendment to section 49: Mr. Hardeman?

Mr. Ernie Hardeman: I withdraw that one too. It's connected to the one before.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman is not moving that motion.

Motion 28.1, an amendment to section 49: Mr. Hatfield?

Mr. Percy Hatfield: I move that subsection 88.5(3) of the Municipal Elections Act, 1996, as set out in section 49 of the bill, be struck out.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Percy Hatfield: Broadcasters and publishers are not required to reject what they deem to be a third-party ad, and the reason is, I guess, that the government should enforce the act, not the broadcasters or the publishers, who may not know what an election ad is or who a third party is, and thus may feel pressure to wrongly reject a legitimate ad. I don't think we should put the onus on the broadcasters and the publishers as much as on the government itself. I think that we should support this amendment.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: These requirements are consistent with the requirements related to third-party advertising under the Election Finances Act for provincial elections. The information that a third-party advertiser is required to provide is not onerous. Broadcasters and publishers are required to keep these records for public inspection after the election. Removing the requirement to ensure that this information is provided will reduce transparency and may make enforcement more difficult.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? Seeing none, then on the amendment to section 49, all those in favour?

Ayes

Hatfield.

Nays

Dong, Hardeman, McGarry, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Motion 28.2, an amendment to section 49: Mr. Hatfield.

Mr. Percy Hatfield: I move that section 88.5 of the Municipal Elections Act, 1996, as set out in section 49 of the bill, be amended by adding the following subsection:

"Same

"(3.1) For greater certainty, subsection (3) does not prevent a broadcaster or publisher from causing an advertisement to appear during the restricted period if the person or entity that has incurred the expenses for the advertisement is not required to be a registered third party"

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Percy Hatfield: It's just a weaker alternative to motion 28.1. I would have preferred motion 28.1, but since I didn't get there, I would suggest this is another option to consider.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: I hate to disappoint Mr. Hatfield, but we again recommend against this. For the rationale, this proposed exemption is not necessary as advertisements that are not considered to be third-party advertising, such as advertisements regarding issues, will not be captured by the regulatory framework. Removing issues from the definition of third-party advertising will make it easier for broadcasters to determine from the content of an advertisement whether the advertisement will be captured by the third-party advertising framework.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? Seeing none, on the amendment to section 49, all those in favour?

Ayes

Hardeman, Hatfield, Walker.

Nays

Dong, McGarry, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Motion 29, an amendment to section 49: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that subsection 88.5(4) of the Municipal Elections Act, 1966, as set out in section 49 of the bill, be amended by striking out "two years" in the portion before paragraph 1 and substituting "four years".

1610

Again, Chair, this is a technical fix to provide consistency with the requirements that third-party advertisers keep their campaign financial records for four years.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? Mr. Hatfield.

Mr. Percy Hatfield: I'm wrong, I'm sure, but I thought the member said "1966," but I know that he meant "1996."

Mr. Lou Rinaldi: If that's what I said, then I'll correct it to "1996." Thank you.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? Then, on the amendment to section 49, all those in favour of the amendment?

Ayes

Dong, Hardeman, Hatfield, McGarry, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. The amendment is carried.

There are no further amendments tabled for section 49. Is there any further discussion?

Shall section 49, as amended, be carried?

Ayes

Dong, Hardeman, Hatfield, McGarry, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Section 49, as amended, is carried.

Motion number 30, an amendment to section 50: Mr. Hardeman.

Mr. Ernie Hardeman: Withdraw, please.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman is not moving that motion.

Mr. Lou Rinaldi: Chair, is it withdrawn?

The Chair (Mr. Peter Z. Milczyn): He's not moving it. It wasn't introduced, so it can't be withdrawn. He's just not moving it.

Mr. Lou Rinaldi: Sorry, Chair.

The Chair (Mr. Peter Z. Milczyn): Motion 30.1, an amendment to section 50: Mr. Hatfield.

Mr. Percy Hatfield: Chair, I do believe I will withdraw.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield is not moving that motion.

Motion 30.2, an amendment to section 50: Mr. Hatfield.

Mr. Percy Hatfield: I move that paragraphs 2 and 3 of subsection 88.6(4) of the Municipal Elections Act, 1996, as set out in section 50 of the bill, be amended by striking out “Subject to subsection 88.15(4)” at the beginning.

The Chair (Mr. Peter Z. Milczyn): Further discussion, Mr. Hatfield?

Mr. Percy Hatfield: I believe that it’s a housekeeping motion related to 37.2, confirming that corporations and unions can register as third parties, even though they can’t make donations. It’s effectively identical to 30.3.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, we’ll be supporting this motion, and I want to thank the member for bringing this forward.

Interjection: Remember this moment.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to section 50—oh, Mr. Hardeman. Sorry.

Mr. Ernie Hardeman: Just a question on that: If they’re registering as a third party, are they then covered by the funding of the third party too, as to how many donations they can take and so forth?

Mr. Percy Hatfield: I would think, if they’re registered as a third party, they have to comply with all of the laws, regulations and restrictions that apply to third parties, yes.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Seeing none, on the amendment to section 50, all those in favour?

Ayes

Dong, Hatfield, McGarry, Rinaldi, Thibeault, Vernile.

Nays

Hardeman, Walker.

The Chair (Mr. Peter Z. Milczyn): The amendment is carried.

Motion number 30.3: I’m ruling this amendment as out of order as it proposes to accomplish the same thing as the previous motion. It is therefore redundant.

Motion number 31, an amendment to section 50: Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 88.6 of the Municipal Elections Act, 1996, as set out in section 50 of the bill, be amended by adding the following subsection:

“Publication of list

“(15) Upon certifying a notice of registration, the clerk shall add the name of the registered third party to a list of registered third parties for the election and shall make the list available to the public in a manner that the clerk determines.”

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Ernie Hardeman: I think it’s just as the motion says: They should make public the third-party registrants, the same as they would with candidates.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Just that the bill already requires third parties to identify themselves on the advertising, so there’s no need to put an onus on the clerk to compile a list. The identification is already on the sign; it’s part of the legislation.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: I don’t think it’s an onerous obligation to make this available to the public. I’ll support the motion.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? Seeing none, on the amendment to section 50, all those in favour?

Ayes

Hardeman, Hatfield, Walker.

Nays

Dong, McGarry, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

There are no further amendments tabled for section 50. Is there any further discussion on section 50? Shall section 50, as amended, be carried?

Ayes

Dong, Hatfield, McGarry, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): Those opposed? Section 50, as amended, is carried.

There are no amendments tabled to section 51. Is there any discussion? Shall section 51 be carried?

Ayes

Dong, Hardeman, Hatfield, McGarry, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. Section 51 is carried.

Motion number 31.1, an amendment to section 50: Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair—

Interjection.

The Chair (Mr. Peter Z. Milczyn): Did I say—I apologize. Just to be clear, it's an amendment to section 52. Mr. Hatfield.

Mr. Percy Hatfield: Yes, paragraphs 2 and 3.

I move that paragraphs 2 and 3 of subsection 88.8(3) of the Municipal Elections Act, 1996, as set out in section 52 of the bill, be struck out.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Percy Hatfield: As I understand it, this would ban corporate and union campaign donations during municipal elections. I know we're talking about it at the provincial level. I know the city of Toronto has done this and other people have already. I think it just makes sense, in this day and age of one-vote counts, that we want to know who is supporting us, of course, but to get big money out of—well, in the case of corporations, get big money out, but I think in the union case, not necessarily so big. Experience has shown us that unions do make smaller contributions than corporations, but if we're going to do it at other levels, other orders of government, then we should be doing it at the municipal level as well.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: We agree with Mr. Hatfield's motion—we agree with the principle of the motion—but we have a proposed government motion which provides greater certainty on this issue and will remove corporations and unions from the list of who can contribute and add it to the list of who cannot contribute. So our motion will be more clear and more inclusive.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman? No? Further discussion? Then, on the amendment to section 52, all those in favour of the amendment?

1620

Ayes

Hatfield.

Nays

Dong, Hardeman, McGarry, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

Motion 31.2, an amendment to section 52: Mr. Rinaldi?

Mr. Lou Rinaldi: I move that subsections 88.8(3) and (4) of the Municipal Elections Act, 1996, as set out in section 52 of the bill, be struck out and the following substituted:

"Who may contribute

"(3) Only the following persons may make contributions:

"1. An individual who is normally resident in Ontario.

"2. Subject to subsection (5), the candidate and his or her spouse.

"Who cannot contribute

"(4) For greater certainty, and without limiting the generality of subsection (3), the following persons and entities shall not make a contribution:

"1. A federal political party registered under the Canada Elections Act (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party.

"2. A provincial political party, constituency association, registered candidate or leadership contestant registered under the Election Finances Act.

"3. A corporation that carries on business in Ontario.

"4. A trade union that holds bargaining rights for employees in Ontario.

"5. The crown in right of Canada or Ontario, a municipality or a local board."

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: I think the motion is kind of fairly comprehensive. This motion will prohibit corporations and unions from making contributions to councillors and trustees, consistent with the government's announced intention to prohibit corporations and unions from making contributions to candidates in provincial elections.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield?

Mr. Percy Hatfield: I have a question, perhaps. It's for Ms. Hopkins, actually.

When I read "or registered candidate at a federal election endorsed by that party," how long are you a registered candidate at a federal election endorsed by that party? If you're elected as a federal member of Parliament, does this wording prevent you from making a donation to a municipal campaign?

Mr. Lou Rinaldi: Chair, if I can get some clarity on that? Good question.

The Chair (Mr. Peter Z. Milczyn): Legislative counsel?

Ms. Laura Hopkins: Mr. Hatfield, I wish I had more expertise in elections law in this area. What I can tell you, as a person without expertise in election law, is it would be unusual to characterize a sitting member as a candidate. So to the extent that this only deals with the status of candidates, it wouldn't deal with the status of members who are not candidates—who are sitting members.

Mr. Percy Hatfield: So, Chair, through you, if I could ask the government: First, what is your interpretation? Then, I'll have a follow-up question.

Mr. Lou Rinaldi: Ditto. So, once a candidate is elected, he is not a candidate anymore; he's a member.

Mr. Percy Hatfield: I don't want to get into a large debate on this, but I'm just wondering why this wording is even in here. I don't want to use the word "evil," but what is wrong with somebody that has been nominated to run in a federal election being asked to make a contribution at the municipal level? Why doesn't it also say

“at the provincial level”? Why are we singling out nominated federal candidates?

Mr. Lou Rinaldi: My understanding is that this is already in the act, and it's just to clarify it.

Mr. Percy Hatfield: I guess my question is, why is it even in the act? I didn't know it was there before. I'm just seeing it now, and I'm saying, if you get nominated to run federally, why can't you make a municipal contribution?

Mr. Lou Rinaldi: This is my own opinion, and I stand to be corrected: Wouldn't it imply that there might be some political attachment to that candidate? But that's just my own opinion.

The Chair (Mr. Peter Z. Milczyn): If I may, it means the campaign of a candidate. It does not mean the person; it means their campaign account. That's what it means.

I don't think the Chair is normally supposed to intervene, but—Mr. Hardeman.

Mr. Ernie Hardeman: I don't purport to be of a legal mind, but I think the intent of this is to make sure, if you read that the federal constituency association or the local riding constituency association can't donate. If you're a candidate, you can actually flow your money through you and out of the party. You can get it from the party into the candidate, and then you could fund a municipal candidate. This will prevent that from happening.

Mr. Percy Hatfield: Chair, I accept the wisdom of the member from Oxford.

The Chair (Mr. Peter Z. Milczyn): Not mine?

Any further discussion? On the amendment to section 52, all those in favour?

Ayes

Dong, Hatfield, Hardeman, McGarry, Rinaldi, Thibeault, Vernile, Walker.

The Chair (Mr. Peter Z. Milczyn): That was unanimous. The amendment is carried.

Motion number 32, an amendment to section 52: Mr. Hardeman.

Mr. Ernie Hardeman: I withdraw the amendment.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman will not be introducing that motion.

Motion 32.1, an amendment to section 52: Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 88.9(4) of the Municipal Elections Act, 1996, as set out in section 52 of the bill, be struck out and the following substituted:

“Multiple candidates

“(4) A contributor shall not make contributions exceeding the following total to two or more candidates for office on the same council or local board:

“1. \$5,000, in the case of the council or a local board of the city of Toronto.

“2. \$3,000, in the case of the council or a local board of a municipality that is not the city of Toronto.”

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, that's fine; however, that's not the written motion 32.1 we have.

Mr. Percy Hatfield: Oh, my gosh. It's getting late. I read the PC motion that was withdrawn. I didn't turn enough pages.

Thank you for that; thank you very much.

The Chair (Mr. Peter Z. Milczyn): You can start over.

Mr. Percy Hatfield: All right. I move that subsection 88.9(4) of the Municipal Elections Act, 1996, as set out in section 52 of the bill, be amended by striking out “\$5,000” and substituting “\$3,000”.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Well, I'll try to make the PC argument for myself, I guess.

The maximum campaign contribution for all elections within a municipality being \$3,000—I guess it doesn't matter whether you're in the city of Toronto or someplace else, but the \$3,000 maximum contribution is plenty of money. Most of us don't have that kind of money to donate in any event, but it should be a reasonable maximum campaign contribution that we can say we agree with. I think \$3,000 is a lot better than \$5,000. I guess that's why it's being recommended.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: This would maybe make it a little bit more difficult for candidates to fundraise during their campaign. I recommend not supporting this motion.

Ms. Daiene Vernile: It would be even more difficult.

Mr. Lou Rinaldi: It would be even more difficult, sorry.

1630

The Chair (Mr. Peter Z. Milczyn): Further discussion? Then, on the amendment to section 52, all those in favour of the amendment?

Ayes

Hardeman, Hatfield.

Nays

Dong, McGarry, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): The amendment is lost.

On motion 33, an amendment to section 52: Mr. Hardeman.

Mr. Ernie Hardeman: I will not be putting that amendment.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman will not be introducing that motion.

On motion 33.1, an amendment to section 52: Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 88.9(5) of the Municipal Elections Act, 1996, as set out in section 52 of the bill, be struck out.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Well, I guess it takes the exemptions out for the candidate or the candidate's spouse making contributions to their own campaign.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I recommend not supporting this. Feedback from consultations raised concerns regarding the influence of contributions from corporations and unions, rather than concerns regarding self-funded candidates.

The Chair (Mr. Peter Z. Milczyn): Is there any further discussion on this? If there is, then I will recess now. Or do you want to take the vote on this before we recess?

Mr. Lou Rinaldi: Let's vote.

The Chair (Mr. Peter Z. Milczyn): There's a vote upstairs.

So no further discussion on this? On the amendment to section 52, all those in favour of the amendment?

Ayes

Hatfield.

Nays

Dong, McGarry, Rinaldi, Thibeault, Vernile.

Mr. Percy Hatfield: Chair, just before we recess—

The Chair (Mr. Peter Z. Milczyn): The amendment is lost. Mr. Hatfield?

Mr. Percy Hatfield: I wonder if you could poll the committee whether we want to keep going in the interest of trying to get as much work done as we possibly can, as opposed to breaking for a vote that we're not in the House to—

The Chair (Mr. Peter Z. Milczyn): We are recessing—I was going to recess for 20 minutes, and then we would come back.

Mr. Percy Hatfield: I'm suggesting you poll the committee to see if they want to do that, or keep on going to try to plug away at this.

The Chair (Mr. Peter Z. Milczyn): We're recessing for 20 minutes.

The committee recessed from 1633 to 1648.

The Chair (Mr. Peter Z. Milczyn): The committee is back in session.

Before the recess, we got as far as motion 33.1.1, an amendment to section 52. Mr. Rinaldi.

Mr. Lou Rinaldi: I move that section 88.11 of the Municipal Elections Act, 1996, as set out in section 52 of the bill, be struck out and the following substituted:

"Rebate of contributions to candidates

"88.11(1) A municipality may, by bylaw, provide for the payment of rebates to individuals who made contributions to candidates for office on the municipal council.

"Same, resolution

"(2) A local board may, by resolution, provide for the payment of rebates to individuals who made contributions to candidates for office on the local board.

"Same

"(3) The bylaw or resolution shall establish the conditions under which an individual is entitled to a rebate.

"Same

"(4) The bylaw or resolution may provide for the payment of different amounts to different individuals on any basis."

The Chair (Mr. Peter Z. Milczyn): Any discussion?

Seeing none, on the amendment to section 52:

Ayes

Dong, Fedeli, Hardeman, Hatfield, McGarry, Rinaldi, Thibeault, Vernile.

The Chair (Mr. Peter Z. Milczyn): That is unanimous. The amendment is carried.

Mr. Ernie Hardeman: Was it my request, Mr. Chair, that we do the recorded vote for each one?

The Chair (Mr. Peter Z. Milczyn): Yes, it was.

Mr. Ernie Hardeman: I will withdraw that request. We will ask for it if we need one.

The Chair (Mr. Peter Z. Milczyn): Very well.

There are no further amendments tabled for section 52. Any further discussion on section 52? Seeing none, shall section 52, as amended, be carried? All those in favour?

1650

Interjections: Carried.

The Chair (Mr. Peter Z. Milczyn): The Chair calls it, Mr. Rinaldi. Section 52, as amended, is carried.

Next is motion 33.2, an amendment to section 53: Mr. Hatfield.

Mr. Percy Hatfield: I move that paragraphs 2 and 3 of subsection 88.12(3) of the Municipal Elections Act, 1996, as set out in section 53 of the bill, be amended by striking out "Subject to subsection 88.15(4)" at the beginning.

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? On the amendment to section 53: All those in favour? Opposed? That is carried.

Motion 33.3: I rule that this amendment is out of order, as it proposes to accomplish the same thing as the previous motion.

The next is motion number 34, an amendment to section 53: Mr. Hardeman.

Mr. Ernie Hardeman: I move that paragraph 4 of subsection 88.12(3) of the Municipal Elections Act, 1996, as set out in section 53 of the bill, be amended by striking out "Subject to subsection (5)" at the beginning.

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? On the amendment to section 53: All those in favour of the amendment? Opposed? The amendment is lost.

Motion 35, an amendment to section 53: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 88.12(5) of the Municipal Elections Act, 1996, as set out in section 53 of the bill, be struck out.

The Chair (Mr. Peter Z. Milczyn): Any discussion? All those in favour of the amendment? All those opposed? The amendment is lost.

Motion 36, an amendment to section 53: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 88.13(2) of the Municipal Elections Act, 1996, as set out in section 53 of the bill, be struck out and the following substituted:

“More than one registered third party

“(2) A contributor shall not make contributions exceeding the following total to two or more registered third parties registered in the same municipality in relation to third-party advertisements:

“1. \$5,000, if the municipality is the city of Toronto.

“2. \$3,000, if the municipality is not the city of Toronto.”

The Chair (Mr. Peter Z. Milczyn): Any discussion? On the amendment, all those in favour? Those opposed? The amendment is lost.

Motion number 37, an amendment to section 53: Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Fedeli.

Mr. Victor Fedeli: I move that subsection 88.13(3) of the Municipal Elections Act, 1996, as set out in section 53 of the bill, be struck out and the following substituted: “Exception

“(3) Despite subsections (1) and (2), a registered third party shall not make contributions exceeding \$5,000 to the party itself.”

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment is lost.

There are no further amendments tabled for section 53. Is there any further discussion? Shall section 53, as amended, carry? All those in favour? Opposed? Section 53, as amended, is carried.

On motion 37.1, an amendment to subsection 54(1): Mr. Hatfield.

Mr. Percy Hatfield: I'll withdraw.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield is not introducing that motion.

Motion 37.2, an amendment to subsection 54(2): Mr. Hatfield?

Mr. Percy Hatfield: I believe, in the interest of time, that I'll withdraw this one as well.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield will not be tabling that amendment.

There are no further amendments tabled to section 54. Is there any further discussion? Seeing none, shall section 54 be carried? All those in favour? Opposed?

Ms. Daiene Vernile: Say that again, please.

The Chair (Mr. Peter Z. Milczyn): Shall section 54 be carried? All in favour?

Interjections.

The Chair (Mr. Peter Z. Milczyn): There is no discussion from the audience. This is the vote on section 54.

Mr. Victor Fedeli: Let's vote for the third time now.

The Chair (Mr. Peter Z. Milczyn): Are we clear what we're voting on?

Mr. Percy Hatfield: We are.

The Chair (Mr. Peter Z. Milczyn): Shall section 54 be carried? All those in favour? Opposed?

Mr. Glenn Thibeault: I'm not sure.

Interjections.

Mr. Victor Fedeli: Well, you're voting three times now. One of those is going to work.

The Chair (Mr. Peter Z. Milczyn): Section 54 is lost. There are no—hold on.

Mr. Victor Fedeli: It did not carry.

The Chair (Mr. Peter Z. Milczyn): It's lost. It did not carry. It did not carry, so it's lost. It's the same thing.

Mr. Ernie Hardeman: The whole section was lost?

The Chair (Mr. Peter Z. Milczyn): Yes.

Motion 38, an amendment to subsection 55(3): Mr. Hardeman.

Mr. Ernie Hardeman: I move that paragraph 2 of subsection 88.16(4) of the Municipal Elections Act, 1996, as set out in section 55(3) of the bill, be struck out.

The Chair (Mr. Peter Z. Milczyn): Is there any discussion on the amendment? All those in favour? Opposed? The amendment is lost.

There are no further amendments tabled for section 55. Is there any further discussion? Shall section 55 be carried? All in favour? Opposed? Section 55 is carried.

There are no amendments tabled for sections 56 through section 58, inclusive. If the committee is in agreement, I'll put the question on all three sections. No further discussion? Shall sections 56 through 58, inclusive, be carried? All in favour? Opposed? Those are carried.

Motion 38.1, an amendment to subsection 59(3): Mr. Rinaldi.

Ms. Daiene Vernile: Chair, I'll be reading it.

The Chair (Mr. Peter Z. Milczyn): Ms. Vernile.

Ms. Daiene Vernile: I move that clause 88.20(4)(a) of the Municipal Elections Act, 1996, as set out in subsection 59(3) of the bill, be amended by striking out “or an issue”.

The Chair (Mr. Peter Z. Milczyn): Any discussion on the amendment? Shall the amendment be carried? All those in favour? Opposed? Carried.

There are no further amendments for section 59. Any discussion? Shall section 59, as amended, be carried? All in favour? Opposed? Section 59, as amended, is carried.

Motion number 39, an amendment to section 60: Mr. Rinaldi or Ms. Vernile.

Mr. Lou Rinaldi: She can read faster than I can.

Ms. Daiene Vernile: I move that subsections 88.21(11) and (12) of the Municipal Elections Act, 1996, as set out in section 60 of the bill, be struck out and the following substituted:

"Number of electors, regular election

"(11) For the purposes of subsection (7), for a regular election the number of electors is the greater of the following:

"1. The number determined from the voters' list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day.

"2. The number determined from the voters' list for the current election, as it exists on September 15 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day.

1700
"Same, by-election

"(11.1) For the purposes of subsection (7), for a by-election the number of electors is the greater of the following:

"1. The number determined from the voters' list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day.

"2. The number determined from the voters' list for the by-election, as it exists after the clerk has made corrections under subparagraph 4 iii of subsection 65(4).

"Certificate of maximum amounts

"(12) The clerk shall calculate the maximum amounts permitted by subsections (6) and (9) for each office for which nominations were filed with him or her and give a certificate of the applicable maximum amounts to each candidate,

"(a) in the case of a regular election, on or before September 25; and

"(b) in the case of a by-election, within 10 days after the clerk makes the corrections under subparagraph 4 iii of subsection 65(4)."

The Chair (Mr. Peter Z. Milczyn): Any discussion? Mr. Hatfield.

Mr. Percy Hatfield: Just to be a little picky, I guess, I believe we missed the word "bracket" in 11. We said 7 without bracket and in "Certification of maximum amounts," we said 6 and 9 without saying "bracket" around 6 and 9.

Ms. Daiene Vernile: I was exercising brevity, but thank you.

Mr. Percy Hatfield: I know, but I don't know if, technically, it has to be done, because it means a different section if the bracket isn't there.

Interjection.

The Chair (Mr. Peter Z. Milczyn): Legislative counsel advises us that it's fine.

No further discussion on the amendment? All those in favour? Opposed? The amendment is carried.

No further amendments to section 60. Is there any further discussion? Shall section 60, as amended, be carried? All in favour? Opposed? Section 60, as amended, is carried.

Motion number 40, an amendment to section 61: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsections 88.22(6) and (7) of the Municipal Elections Act, 1996, as set out in section 61 of the bill, be struck out and the following substituted:

"Maximum amount

"(6) During the restricted period for third party advertisements, the expenses of a registered third party in relation to third party advertisements that appear during an election in a municipality shall not exceed an amount equal to,

"(a) 25 per cent of the maximum amount that would apply to a candidate under subsection 88.21(6) for third party advertisements whose purpose is to promote, support or oppose a candidate, and not an issue, in relation to an election in a municipality; or

"(b) 75 per cent of the maximum amount that would apply to a candidate under subsection 88.21(6) for third party advertisements whose purpose is to promote, support or oppose an issue, and not a candidate, in relation to an election in a municipality."

The Chair (Mr. Peter Z. Milczyn): Is there any discussion?

Mr. Percy Hatfield: Just for clarification again—

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: We didn't bracket A and B. I don't know if, in that point, we had to, because it wasn't in a subsection, but—

Interjection.

The Chair (Mr. Peter Z. Milczyn): I believe legislative counsel thinks it's okay.

Any further discussion? On the amendment, all those in favour? Opposed? The amendment is lost.

Motion 41, an amendment to section 61: Ms. Vernile.

Ms. Daiene Vernile: I move that subsection 88.22(7) of the Municipal Elections Act, 1996, as set out in section 61 of the bill, be struck out and the following substituted:

"Prescribed formula

"(7) The formula prescribed for the purpose of subsection (6) must be written so that the amount calculated under it varies based on the number of electors entitled to vote in a regular election or by-election, as the case may be, in the municipality."

The Chair (Mr. Peter Z. Milczyn): Any discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment is carried.

Motion number 42, amendment to section 61: Ms. Vernile.

Ms. Daiene Vernile: I move that subsections 88.22(11), (12) and (13) of the Municipal Elections Act,

1996, as set out in section 61 of the bill, be struck out and the following substituted:

“Number of electors, regular election

“(11) Subject to subsection (15), for the purpose of applying the prescribed formula for a regular election, the number of electors is the greater of the following:

“1. The number determined from the voters’ list from the previous regular election, as it existed on the day specified in subsection (12), adjusted for changes made under sections 24 and 25 that were approved as of that day.

“2. The number determined from the voters’ list for the current election, as it exists on September 15 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day.

“Same, by-election

“(11.1) Subject to subsection (15), for the purpose of applying the prescribed formula for a by-election, the number of electors is the greater of the following:

“1. The number determined from the voters’ list from the previous regular election, as it existed on the day specified in subsection (12), adjusted for changes made under sections 24 and 25 that were approved as of that day.

“2. The number determined from the voters’ list for the by-election, as it exists after the clerk has made corrections under subparagraph 4 iii of subsection 65(4).

“Same, regular election or by-election

“(12) For the purposes of paragraph 1 of subsection (11) and paragraph 1 of subsection (11.1), the number shall be determined using the voters’ list from the previous election as the list existed on,

“a nomination day in the year of the previous election, if the formula is being applied for the purposes of the 2018 regular election; or

“(b) September 15 in the year of the previous election, if the formula is being applied for the purposes of an election in any other year.

“When calculation must be made

“(13) The clerk shall calculate the maximum amounts under subsections (6) and (9),

“(a) for a regular election, no later than September 25 in the year of the election; and

“(b) for a by-election, within 10 days after the clerk makes the corrections under subparagraph 4 iii of subsection 65(4) or subparagraph 3 ii of subsection 65(5).”

The Chair (Mr. Peter Z. Milczyn): Any discussion? Mr. Hatfield.

Mr. Percy Hatfield: We did miss—under (12), it was (a).

Ms. Daiene Vernile: Please add brackets accordingly.

The Chair (Mr. Peter Z. Milczyn): Legislative counsel indicates it’s all right.

Any discussion? On the amendment, all those in favour? Opposed? The amendment is carried.

There are no further amendments tabled for section 61. Any discussion? Shall section 61, as amended, be carried? All those in favour? Opposed? Section 61, as amended, is carried.

Motion number 43, an amendment to section 62: Mr. Hardeman.

Mr. Ernie Hardeman: I’ll withdraw.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman is not moving that motion.

Motion 43.1, an amendment to section 62: Mr. Hatfield.

Mr. Percy Hatfield: I’ll withdraw.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield is not introducing that motion.

Motion number 44, an amendment to section 62: Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 88.26 of the Municipal Elections Act, 1996, as set out in section 62 of the bill, be amended by adding the following subsections:

“Review by clerk

“(13) The clerk with whom a candidate files a financial statement or supplementary financial statement under this section shall review it to determine if it appears to be complete and if it identifies the names and addresses of all persons or entities that have made contributions under section 88.8 to the candidate.

“Requirement to produce information

“(14) If the clerk determines that a financial statement or supplementary financial statement filed under this section does not appear to be complete or does not identify the information required by subsection (13), the clerk may require the candidate to provide the information to the clerk.”

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment is lost.

There are no further amendments tabled for section 62. Any further discussion? Shall section 62 be carried? All those in favour? Opposed? Section 62 is carried.

1710

Motion number 45, an amendment to section 63: Mr. Hardeman.

Mr. Ernie Hardeman: I move that clause 88.27(1)(r) of the Municipal Elections Act, 1996, as set out in section 63 of the bill, be amended by striking out “and” at the end of subclause (i) and by striking out subclause (ii) and substituting the following:

“(ii) a total of \$5,000 to two or more registered third parties registered in the city of Toronto in relation to third party advertisements, and

“(iii) a total of \$3,000 to two or more registered third parties registered in a municipality that is not the city of Toronto in relation to third party advertisements.”

The Chair (Mr. Peter Z. Milczyn): Any discussion? On the amendment: All those in favour? Opposed? The amendment is lost.

Motion number 46, an amendment to section 63: Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 88.30 of the Municipal Elections Act, 1996, as set out in section 63 of the bill, be amended by adding the following subsection:

"Refund of registration filing fee"—

The Chair (Mr. Peter Z. Milczyn): Oh, hold on.

I apologize. Continue.

Interjection.

The Chair (Mr. Peter Z. Milczyn): I apologize for interrupting you. Continue.

Mr. Ernie Hardeman: I didn't realize that you had interrupted me.

"Refund of registration filing fee

"(2.1) If the clerk of the municipality is satisfied that a registered third party has complied with subsection (1) and that the financial statement is complete and accurate, the clerk shall refund to the party the registration filing fee that the party paid under subsection 88.6(1)."

The Chair (Mr. Peter Z. Milczyn): Any discussion? On the amendment: All those in favour? Opposed? The amendment is lost.

There are no further amendments tabled for section 63. Is there any further discussion? Shall section 63 be carried? All those in favour? Opposed? Section 63 is carried.

There are no amendments tabled to section 64. Is there any discussion? Shall section 64 be carried? All those in favour? Opposed? Section 64 is carried.

Motion number 47, an amendment to section 65: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 88.34(8) of the Municipal Elections Act, 1996, as set out in section 65 of the bill, be amended by striking out "and brief written reasons for the decision".

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? On the amendment: Shall the amendment carry? All those in favour? Opposed? The amendment is lost.

Motion number 48, an amendment to section 65: Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 88.34(9) of the Municipal Elections Act, 1996, as set out in section 65 of the bill, be struck out and the following substituted:

"Appeal

"(9) If the committee decides under subsection (7) to reject the application, the decision of the committee may be appealed to the Superior Court of Justice within 15 days after the decision is made, and the court may make any decision the committee could have made."

The Chair (Mr. Peter Z. Milczyn): Any discussion? On the amendment: All those in favour of the amendment? All those opposed? The amendment is lost.

Motion number 49, an amendment to section 65: Mr. Hardeman.

Mr. Ernie Hardeman: Withdraw.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman is not introducing that amendment.

There are no further amendments tabled to this section. Is there any further discussion? Shall section 65 be carried? All those in favour? Opposed? Section 65 is carried.

Motion number 49.1, an amendment to section 66: Mr. Hatfield.

Mr. Percy Hatfield: I move that section 88.35 of the Municipal Elections Act, 1996, as set out in section 66 of the bill, be amended by adding the following subsections:

"Incomplete information

"(1.1) As soon as possible following the filing date or supplementary filing date, as the case may be, under section 88.31, the clerk shall notify a candidate if, in the clerk's opinion, the candidate's financial statement does not include the information required under clause 88.23(1)(g) such that the clerk is unable to determine whether a contributor appears to have exceeded any of the contribution limits under section 88.9.

"Same

"(1.2) A candidate who is notified under subsection (1.1) may withdraw the financial statement and file a corrected statement in accordance with subsection 88.26(3).

"Report

"(1.3) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.31, the clerk shall prepare a report outlining any inability to determine, because of continued incomplete information, whether a contributor appears to have exceeded any of the contribution limits under section 88.9

"Same

"(1.4) The clerk shall forward each report prepared under subsection (1.3) to the compliance audit committee."

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? On the amendment, shall the amendment carry? All those in favour? Opposed? The amendment is lost.

There are no further amendments tabled for section 66. Is there any further discussion? Shall section 66 be carried? All those in favour? Opposed? Section 66 is carried.

Motion number 50, an amendment to section 67: Ms. Vernile.

Ms. Daiene Vernile: I move that subsection 88.37(7) of the Municipal Elections Act, 1996, as set out in section 67 of the bill, be struck out.

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? On the amendment, all those in favour? Opposed? The amendment is carried.

There are no further amendments tabled for section 67. Is there any further discussion? Shall section 67, as amended, be carried? All in favour? Opposed? Section 67, as amended, is carried.

Motion number 51—

Interjections.

The Chair (Mr. Peter Z. Milczyn): I apologize. Hold on; I'm going a little bit too fast.

There are no amendments tabled to sections 68 or 69. We'll vote on them together. Is there any discussion? Shall sections 68 and 69 be carried? All in favour? Opposed? Sections 68 and 69 are carried.

Motion number 51, an amendment to subsection 70(1): Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Fedeli.

The Chair (Mr. Peter Z. Milczyn): Mr. Fedeli.

Mr. Victor Fedeli: I move that subsection 92(1) of the Municipal Elections Act, 1996, as set out in subsection 70(1) of the bill, be amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following clause:

“(c) if the candidate fails to produce information that a clerk requires under subsection 88.26(14).”

The Chair (Mr. Peter Z. Milczyn): I’m ruling this amendment out of order as it was dependent on a previous amendment that was lost, which was motion number 44.

There are no further amendments tabled to section 70. Is there any discussion? Shall section 70 be carried? All in favour? Opposed? Carried.

There are no amendments tabled for sections 71 and 72. If the committee agrees, we’ll vote on them together. Shall sections 71 and 72 be carried? All in favour? Opposed? Sections 71 and 72 are carried.

1720

Motion number 52, an amendment to subsection 73(1), clause 95(1)(a.2): Mr. Hardeman.

Mr. Ernie Hardeman: Vic, you can do that one.

Mr. Victor Fedeli: Thank you. I move that subsection 95(1) of the Municipal Elections Act, 1996, as amended by subsection 73(1) of the bill, be amended by adding the following clause:

“(a.2) specifying types of advertisements that are included or not included in the definition of ‘third party advertisement’ in subsection 1(1).”

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? On the amendment: All those in favour? Opposed? The amendment is lost.

Motion number 53, an amendment to subsection 73(1): Mr. Fedeli.

Mr. Victor Fedeli: I move that subsection 95(1) of the Municipal Elections Act, 1996, as amended by subsection 73(1) of the bill, be amended by adding the following clause:

“(a.3) specifying standards that the plan described in subsection 12.1(2) must comply with;”

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? On the amendment: All those in favour? Opposed? The amendment is lost.

Motion number 54, an amendment to subsection 73(3.1): Mr. Fedeli.

Mr. Victor Fedeli: I move that section 73 of the bill be amended by adding the following subsection:

“(3.1) Clause 95(1)(j) of the act is amended by adding ‘or to a referendum held under subsection 41.2(1)’ at the end.”

The Chair (Mr. Peter Z. Milczyn): I’m ruling this amendment as out of order, as it was dependent on a previous amendment that was lost, which was motion number 18.

Motion number 55, an amendment to subsection 73(6): Ms. Vernile.

Ms. Daïene Vernile: I move that subsection 73(6) of the bill be struck out and the following substituted:

“(6) Subsection 95(2.1) of the act is repealed and the following substituted:

““Transitional regulations, Municipal Elections Modernization Act, 2016

“(2.1) The minister may, by regulation, provide for transitional matters that, in the opinion of the minister, are necessary or desirable in connection with the Municipal Elections Modernization Act, 2016.

““Same

“(2.2) A regulation made under subsection (2.1) applies despite any provision in this or any other public or private act.””

The Chair (Mr. Peter Z. Milczyn): Is there any discussion? Mr. Hatfield.

Mr. Percy Hatfield: Just when we were rolling along there, right?

We see this as problematic because it means that the government may pass a regulation concerning traditional matters related to Bill 181 that overrides everything else in there or in any other act. It’s a huge safety valve that allows the government to suspend or change any provision in Bill 181 as a transitional measure.

On the one hand, there’s a safety valve to fix unintended consequences. If the bill had set tight limits on how it might be applied, that would probably be okay. But this clause’s sheer breadth, allowing the minister—without even needing cabinet approval—to rewrite the entire bill as a regulation, is worrisome. What exactly will be rules for the 2018 municipal elections? Will the rules be what it says in Bill 181 or what it will say in some as-yet-unknown transitional regulation? No one can know.

If the minister really needs full flexibility to rewrite the entire bill to deal with unforeseen transitional matters, then maybe he should simply press “pause” on this bill and consult properly, rather than give himself a blank cheque to set aside his own bill and write a completely new one in the regulations.

The Chair (Mr. Peter Z. Milczyn): Further discussion? Mr. Hardeman.

Mr. Ernie Hardeman: As Mr. Hatfield said, just as we were rolling along so well, this goes back to something I was discussing, some time back, where the regulatory powers of the minister are so broad in this bill that it really mitigates the need for the bill, almost, except that you needed a bill to put those powers in. When you get anything that says regulations “despite any provision in this or any other public or private act,” it just boggles the mind that there is no definition of what you can do with those private and public acts.

This even goes beyond some of the things that he has power for in this act. He can do just about anything—run the government from the minister’s office. This one here doesn’t suggest it has to be done by order in council, even. I know the present minister would never abuse his power, but this sure opens it up. The Good Book says, in the commandments, “Lead us not into temptation,” and this one is going to lead somebody into vicious temptation.

I'm definitely not going to support it, but I also ask the government to take a second look at it and not support it, too.

The Chair (Mr. Peter Z. Milczyn): Further discussion?

Mr. Ernie Hardeman: A recorded vote.

The Chair (Mr. Peter Z. Milczyn): Any further discussion? No.

Ayes

Dong, McGarry, Rinaldi, Thibeault, Vernile.

Nays

Fedeli, Hardeman, Hatfield.

The Chair (Mr. Peter Z. Milczyn): The amendment is carried.

There are no further amendments tabled for section 73. Is there any further discussion? Shall section 73—

Mr. Ernie Hardeman: A recorded vote.

The Chair (Mr. Peter Z. Milczyn): Shall section 73, as amended, be carried?

Ayes

Dong, McGarry, Rinaldi, Thibeault, Vernile.

Nays

Fedeli, Hardeman, Hatfield.

The Chair (Mr. Peter Z. Milczyn): Section 73, as amended, is carried.

There are no amendments to sections 74 and 75 that have been tabled. Is there any discussion? Then shall sections 74 and 75 be carried? All in favour? Opposed? Sections 74 and 75 are carried.

Motion number 56, an amendment to subsection 76(2): Mr. Hatfield.

Mr. Percy Hatfield: Chair, I am so disappointed by the voting results of the previous motion that I do not wish to continue any more today. Therefore, I will withdraw this motion.

The Chair (Mr. Peter Z. Milczyn): That is your right. You have chosen not to move that amendment.

Mr. Glenn Thibeault: Mr. Speaker?

The Chair (Mr. Peter Z. Milczyn): Mr. Thibeault? Mr. Rinaldi?

Mr. Lou Rinaldi: Mr. Speaker, could we just have a minute recess?

The Chair (Mr. Peter Z. Milczyn): Certainly. A two-minute recess.

The committee recessed from 1728 to 1729.

The Chair (Mr. Peter Z. Milczyn): If we're in agreement, we can reconvene. Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, I'd like to move subsection 76(2) of the bill, paragraph 3.

I move that paragraph 3 of subsection 76(2) of the bill be amended by striking out "54(2)".

I'd just like to commend the NDP for bringing this to our attention. I think it's a good housecleaning motion.

The Chair (Mr. Peter Z. Milczyn): Very well. Is there any discussion? Mr. Hardeman.

Mr. Ernie Hardeman: I don't know what it is we're doing here. Is that an amendment that was just withdrawn?

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield did not move his amendment and I understand Mr. Rinaldi essentially moved the same amendment. He read it in.

Mr. Victor Fedeli: Can you bring an amendment on the floor like that?

The Chair (Mr. Peter Z. Milczyn): This is not a time-allocated bill, so amendments may be made on the floor, and it is the same text. Mr. Hardeman?

Mr. Ernie Hardeman: Can I request a few-minute recess?

The Chair (Mr. Peter Z. Milczyn): Two-minute recess.

The committee recessed from 1731 to 1732.

The Chair (Mr. Peter Z. Milczyn): The committee is back in session. When we left off, Mr. Rinaldi had moved an amendment to subsection 76(2), paragraph 3. Is there any further discussion? Seeing none, on the amendment: All those in favour? Opposed? The amendment is carried.

There are no further amendments tabled for section 76. Is there any further discussion? Shall section 76, as amended, be carried? All in favour? Opposed? Section 76, as amended, is carried.

Section 77, short title: Any discussion? Shall section 77 be carried? All in favour? Opposed? Section 77 is carried.

Shall the title of the bill be carried? All in favour? Opposed? Carried.

Shall Bill 181, as amended, be carried? All in favour? Opposed? Carried.

Shall I report the bill, as amended, to the House? Carried? Opposed? It's carried.

We have no further business. I want to thank members. Everybody gets an extra 26 minutes of constituency week. Committee is adjourned.

The committee adjourned at 1734.

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